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No. 2643-S. (Home—Legislative), dated the 27th September 1907.

From—The Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to the Government of the Punjab,

To—All Commissioners of Divisions in the Punjab.

I am directed to forward a copy of a letter no. 2310—2317, dated the 24th of August 1907, from the Secretary to the Government of India in the Home Department, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters. I am to request that you will be good enough to forward your opinion on these proposals to the local Government by the 1st of December next, after having consulted the Deputy Commissioners of your Division and other selected officers whose opinion you think would be of value, and also such individuals or bodies in each district as may be taken as representatives of the various classes of the native community. Translations into Urdu of this letter and its enclosure will shortly appear in the Government Gazette, and copies can be obtained on application to the Superintendent, Punjab Government Press, Lahore.

2. It will be convenient if in replying to this letter you would be good enough to put your opinion in the form of answers to the series of questions which form an enclosure to this letter, and it is requested that the persons consulted by you should in the same way put forward their opinions in this form. This suggestion only applies to the arrangement of the subject-matter of the opinions, and is in no way intended to prevent the fullest discussion of the points which emerge from the Government of India letter.

3. With reference to the proposals made in paragraphs 4 to 5 of the Government of India letter regarding the constitution of an *Imperial Advisory Council*, the Lieutenant-Governor has no special remarks at this stage to communicate.

4. The *Provincial Advisory Councils* are discussed in paragraphs 6 and 7 of the Government of India letter. If such a council is to be constituted for the Punjab, it might perhaps consist of a nominated council of some 20 members, of whom perhaps six or seven, including one or two ruling Chiefs, would be members of the Imperial Advisory Council and the rest would be nominated (but not necessarily in any fixed proportion) to represent the landed and other interests mentioned in the Government of India letter.

5. With reference to the proposed enlargement of the *Imperial Legislative Council* (paragraphs 11 to 19 of the Government of India letter), it may be useful for you and the gentlemen whom you may consult to read the following description of the constitution of the present Imperial Legislative Council as described in Volume IV, Chapter V, of the new Imperial Gazetteer:—

"The Executive Council of the Governor-General at present (1906) consists—besides the Governor-General himself and the Commander-in-Chief, who is usually appointed by the Secretary of State to be an Extraordinary Member—of six ordinary members, of whom one must be an English or Irish Barrister or Scottish Advocate of not less than five years' standing. For the purposes of legislation, it is provided by the Indian Councils Acts of 1861 and 1892 that the Governor-General shall summon as an Additional Member the Lieutenant-Governor or Chief Commissioner of the Province in which the council is assembled, and shall also nominate such other persons, not less than ten or more than sixteen, as he may think fit. Of these Additional Members, who are appointed for two years at a time, one-half at least must be non-officials *; and, in order to give the Council an elective as well as a representative character, statutory rules now require the nominations to five seats to be made on the recommendation of the Calcutta Chamber of Commerce and the non-official members of the local Legislative Councils at Madras, Bombay, Calcutta, and Allahabad. The remaining seats may be filled in such manner as appears to the Governor-General most suitable, regard being had to the business in hand and the different classes of the community to be represented . . . . ."

* Under the existing statutory rules not more than six of the nominated Additional Members may be officials.

The maximum number of members therefore is at present 24 excluding the Viceroy, and it is now proposed to raise this figure to 53 in the manner outlined in paragraph 12 of the Government of India letter, the number of elected members being at the same time raised from 5 to 18. In dealing with the constitution of the proposed council the chief points for consideration are—

(1) The general representation of classes and interests which the composition of the council affords.

(2) The method of election by the Provincial Councils (paragraph 13 of the Government of India letter).

(3) The method of selection from the great land-owners of this province to one seat on the Imperial Council (paragraphs 14 and 15).

(4) The method of selection from the Muhammadans of this province to Muhammadan seats on the Imperial and Provincial Councils (paragraphs 16 to 18).

As regards the third of these questions, it may be noted that from enquiries made in May last it was ascertained that there were in this province 52 land-owners paying a land revenue of Rs. 5,000 and over, distributed as follows:—

Class.		Hindus.	Muhammadans.	Christians.	TOTAL.
	Rs. Rs.				
I.—Paying land revenue	5,000 to 10,000	13	22	7	42
II.— " " "	10,000 " 15,000	3	2	..	5
III.— " " "	15,000 " 20,000	..	1	..	1
IV.— " " "	20,000 " 25,000	..	..	1	1
V.— " " "	25,000 " 50,000	2	1	..	3
	TOTAL	18	26	8	52

As regards the fourth question, enquiries have been instituted with a view to obtaining statistics of the classes of possible Muhammadan electors referred to in paragraph 18 of the Government of India letter, and these will be forwarded when obtained. It will be noticed that paragraph 17 refers to election for the *Provincial* Council only, see also paragraph 8 of this letter. In discussing the constitution of a special Muhammadan electorate the question whether its members should or should not be allowed to vote in the open elections also must be considered.

6. As regards the *Provincial Legislative Councils,* which form the subject of paragraphs 17 and 20 to 22 of the Government of India letter, the general system now in force in India is described as follows in the Gazetteer:—

"The subordinate Legislative Councils are constituted on the same lines generally as the superior legislature of the Governor-General. In Madras and Bombay the Governor is assisted by an Executive Council of two Ordinary Members, and these three form the nucleus of the larger Legislative Council: but in each of the other provinces the Lieutenant-Governor stands alone at the head of the local administration. The Acts of 1861 and 1892 provide that the Governor or Lieutenant-Governor, as the case may be, shall nominate as members, for two years at a time, the Advocate-General of the province or other officer acting in that capacity and—subject, save in Madras and Bombay, to the sanction of the Governor-General—such other persons, not less than eight nor more than twenty,* as he may think expedient, at least one-half being non-officials. In Madras, Bombay, Bengal, and the United Provinces some of these members are appointed on the recommendation of the groups of municipalities and district boards, Universities, Chambers of Commerce, and the like, and the elective principle is thus to some extent recognised."

* These are the maximum and minimum numbers fixed by the statute for Madras and Bombay. As regards the other provinces, the statute fixes a maximum of 20 for Bengal and 15 for the United Provinces, but otherwise leaves the numbers to be determined by the Governor-General.

The Government of India in their letter now forwarded have chiefly in view the case of provinces where a Legislative Council is of some standing and a certain number of its members are elected. In the Punjab a Legislative Council was first constituted in 1897, and it consists of not more than nine members in addition to the Lieutenant-Governor. The members are all nominated and at least one-third of them must be non-officials.

7. In considering the future constitution of the Punjab Council, the necessity of maintaining an official majority, and the limitation which this necessity imposes upon the total number (paragraph 10 of Government of India letter) must be borne in mind.

8. It is for consideration whether the province is as yet sufficiently advanced for the introduction of a system of election for the Legislative Council. The results of the present system of nomination have been that on an average the council has contained five non-official members, of whom one has been a Hindu, one a Sikh, two Muhammadans, and one a Christian. Of 19 such members appointed since the council was initiated, five have been ruling Princes or their near relatives, five have been land-owners, five have been distinguished officials of Native States or retired officials of Government, three were lawyers, and one was a banker. In considering how far the council as thus constituted has been representative of the different classes of the people, and in what manner representation should be insured if the system of appointment is altered,

it may be convenient to have before you the statistics of the last census, which show that the percentage of the agricultural to the total population in the British districts of the province is 54 per cent., the Government officials, etc., constitute 1·8 per cent., the land-holders and tenants 52 per cent., the land-holders alone 34 per cent., the commercial classes 5 per cent., the literate population 3·8 per cent., those literate in English ·4 per cent., the population of the towns 1·1 per cent., the Hindus 38·8 per cent., Sikhs 7·5 per cent., and Muhammadans 53·3 per cent. At the same time, too much importance must not be attached to these statistics, as the interests represented by a given class are often important out of all proportion to its mere numerical weight. It has in this connection been suggested that even if the present system of nomination is otherwise maintained, the Senate of the University might be asked to elect one member for the council, and there are of course advantages in this method of receiving a representative of the educated classes, but there is, on the other hand, a certain inconvenience attending the introduction of a political element into a body, which is constituted for purely educational objects. The Lieutenant-Governor would be glad if this suggestion would be considered.

As regards the possible constitution of a Muhammadan electorate for the selection of special Muhammadan members, such as is suggested in paragraph 17 of the Government of India letter, I am to say that statistics relating to the classes of electors suggested in that paragraph have been called for and will be forwarded on receipt (see also the end of paragraph 5 above).

As regards the proposed discussion of the Budget in the Legislative Council, it will be observed that the system of discussion of the Provincial Budget has not yet been introduced into the Punjab Provincial Council; but it is possible to introduce the system without difficulty if its results are thought likly to be useful. Should the Provincial Budget be brought before the council in the near future,it may be that, for some time at least, a general debate on the whole Budget would suffice for its proper discussion, but the Lieutenant-Governor would be glad to have opinions on this point, as well as on the advisability of permitting discussion.

10. The Lieutenant-Governor is sure that the officers consulted will recognise the very great importance of the questions now referred to them for opinion, and will give them their best consideration. It is specially desirable that the opinions of natives of all classes should be represented. The number of associations or individuals from whom formal written opinions will be obtained must necessarily be limited; but opportunity should be freely taken to discuss the matter verbally with as many as possible of all classes who are capable of forming an intelligent opinion upon it, and the general trend of the opinions thus elicited should be reported to Government. The officers consulted should give their opinions upon each of the questions referred to them. For instance, an officer who does not think that election should be allowed should nevertheless give his opinion, as to the best method of election, if that system is decided upon. In the Government of India letter the separate representation of Muhammadans only is considered; and the questions attached to this letter follow it. But in the Punjab the Sikh community also is of the greatest importance; and it should be considered whether any, and what, measures are necessary to ensure its adequate representation.

Questions on which opinions are desired in connection with Government of India letter no. 2310—2317, dated the 24th August 1907.

I. (1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?

II. (2) *Provincial Advisory Councils.*—Do you think that a provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposals made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?

III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?

(5) Do you approve of the selection of one of the great land-owners of this province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?

(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council, 2 by election and 2 at least by nomination, as suggested under heads D (*d*) and

E of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter?

IV. (7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

(8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election?

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter), and, if so, what classes do you consider should be represented and in what proportions?

(10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorates would you suggest?

(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*), and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

(12) If you think provisions should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose?

V. (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?

No. 4680-G., dated Lahore, the 29th November 1907.

From—H. D. Craik, Esq., I.C.S., Registrar, Chief Court, Punjab,

To—The Chief Secretary to the Government of the Punjab.

In reply to your letter no. 2644-S. (Home—Legislative), dated 27th September 1907, I am directed to forward herewith copies of the opinions recorded by the Hon'ble Sir W. O. Clark, Chief Judge, the Hon'ble Mr. Justice Chatterji, and the Hon'ble Mr. Justice Robertson on the proposals made by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

H. D. CRAIK,

Registrar, Chief Court, Punjab.

Opinion by the Hon'ble Sir W. O. Clark, Chief Judge, Chief Court, Punjab.

I doubt if the present proposals will satisfy the desire of even the moderate Indians, who wish to see more power and influence made over to them. Advisory Councils with no powers and no legal status will not be valued by them, and will be looked upon rather as an appearance of a concession than a real concession.

It seems a somewhat cumbrous proposal to have two separate councils, so similar in their duties and personality as the Legislative and Advisory Council would be.

2. There are patent inconveniences in increasing the Legislative Councils to the extent proposed. It has suggested itself to me that the object could be attained with one council only consisting of (1) Members of the Legislative Council as at present, (2) an additional number of members (the proposed Imperial Councillors) who would have the right of discussing but not voting on legislative measure (this would obviate the necessity of increasing the number of official members), and of interpellation of the Budget debate.

This would give these Imperial Councillors some definite position and power of influencing the Government and would ensure their being summoned at definite periods and having an opportunity of putting forward their views.

The whole council could of course still be used in the way it is now proposed to utilize the Advisory Councils.

3. I would slightly increase the Imperial Legislative Council by elected members as proposed in paragraphs 12 (2) D (*a*) (*b*), but not D (*c*) (*d*): these latter members would be much better nominated than elected.

I would have no special reservation for Muhammadans or classes. Equilibrium can be maintained by nomination, and this special reservation for Muhammadans is calculated to be disagreeable to other religions.

4. As regards the Imperial Councillors referred to in paragraph 5, I think that the ruling Chiefs are not desirable to the extent of 20. I do not think that the ruling Chiefs are as a rule sufficiently conversant with affairs in British India.

Though I am opposed generally to election as entirely unsuited in this country, and I think that the formation of a special voting constituency is objectionable, yet I should be disposed to allow certain bodies such as Municipal Committees of large towns and Senates of Universities and Chambers of Commerce, Bar Associations to elect members, and I think it is very desirable to admit a considerable number of members of the legal profession to the Advisory Council. They are highly intelligent, independent, and familiar with the sentiments of the people.

5. The above general remarks deal with questions I, III put by the Punjab Government.

As regards question II, I would deal with the Provincial Advisory Council on similar lines.

As regards question 4, I think perhaps one or two of the non-official members might be elected by the Senate and by the Municipal Committees of Amritsar, Delhi, and Lahore in rotation. The number of members might be increased from 10 to 12.

I would have no fixed rule as to representation of classes; this can be provided for by nomination.

As regards question 5, I would answer yes on all three heads.

W. O. CLARK,

Chief Judge, Chief Court, Punjab.

Opinion by the Hon'ble Mr. Justice P. C. Chatterji, Judge, Chief Court, Punjab.

In writing this note I have spoken in some matters with a certain amount of freedom which I would not ordinarily use, but without which I could not have given full expression to my views.

I shall endeavour to keep to the lines indicated in the letter of His Honour, but before I begin to discuss the questions taken up in the letter of the Government of India, I may be permitted to make one remark with reference to paragraph 9 of the letter in which the Government of India speak of the preponderance of lawyers in the Provincial as well as the Imperial Councils after the amendments of their constitution in 1892. They are pleased to say that they "do not deny that the professional classes are entitled to a share of representation proportioned not merely to their numbers, which are small, but to their influence, which is large and tends to increase. But they are not prepared to allow them a virtual monopoly of the power exercised by the council." They then proceed to devise the requisite counterpoise.

Let me observe here that this excessive representation appears not merely in the elections by district boards and municipalities, but also in the nominations by the various local Governments and the Imperial Government as well. The preponderance evidently has not been hitherto thought prejudicial and is clearly due to natural causes. Lawyers represent people in courts and in numerous other matters in ordinary life. There is nothing wonderful therefore in the electors trusting to their representation in the councils. Some of the selections, however, were educational men and their election is also capable of explanation on somewhat similar grounds, *viz.*, to the confidence reposed in them by the various classes composing the electorate with whom they come in contact in the discharge of their teaching functions.

The fact is that Indian lawyers at present represent the cream of the educated classes. The educational standard for degrees in law is high, and the work of the lawyer calls forth some of the best powers of the human mind, which get developed and matured in the practice of his profession. The best of our educated men who are conscious of

possessing abilities and who like freedom and consider there is not a sufficient opening for them in Government service naturally join the Bar. Lawyers have prominence also under the parliamentary system of England and France, and it may be observed that some of the ablest ministers of His Majesty in the present Liberal Cabinet are distinguished lawyers.

The legal profession, however, is now overstocked and no longer offers the same attractions to talented young men as before. It may be expected that a considerable section of these will in future betake themselves to other profession such as manufactures and trade. In that case the present preponderance of lawyers in the councils will probably diminish. The evil, such as it is, will considerably abate in the course of a few years, and I venture to doubt whether it is necessary to devise special measures to combat it.

I might also state here that English educated Indians are as a rule friends of the British Government, the methods of which they might desire to be changed in certain respects, but which they have not the remotest wish to see removed from the country. They also belong to the best and most intellectual classes of the population, those in fact who have administered the country from the earliest times, if they have not ruled it, and that they are not in any sense base-born as they are sometimes represented to be, particularly in certain Anglo-Indian newspapers. Brahmins, Khshatris, Kayasthas, and Vaysias form the cream of the Hindu castes, and the remark applies with more or less force to Muhammadans also. The number of base-born educated men whom once it used to be the boast of the British race to have drawn out of obscurity and subjection is still small.

With these preliminary remarks I proceed to discuss the questions raised in the letter of the Government of India.

1. *Advisory Councils*.—Purely Advisory Councils are a cumbrous device, but in the present circumstances I think on the whole they are likely to be beneficial. They would afford the representatives of the people opportunities to express their views on measures of administration affecting themselves. If this can be provided by the constitution of the councils their usefulness will be demonstrably apparent in a short time. Other advantages are stated in the letter of the Government of India.

(*a*) *Imperial Advisory Councils*.—According to the constitution proposed by the Government of India, the members of the Imperial Advisory Council are to consist of 20 ruling Chiefs and 40 territorial magnates drawn from the different provinces. The members for each province will also be members of the Advisory Council for that province. The functions of the council will consist in giving advice to His Excellency the Governor-General when asked either individually or in small groups or committees. But there is no provision for their meeting together and their advice will be confidential.

I am doubtful whether there will be any benefit in enrolling ruling Chiefs in the council. They might be interested in the affairs of India collectively in dealing with a foreign State, *viz.*, when a treaty is to be made or a war with a foreign power to be declared by the Government of India, but they have little or no interest in the administration of the internal affairs of British India. It is also questionable whether they will be competent advisers, as without good educational and administrative training their opinions and sympathies will be likely to be in favour of the course they would pursue in the matter put before them had it arisen within their own territories. The original theory of Government among Hindus is that the King is the father of his people uncontrolled in his power, but bound to follow their collective opinion. The most notable example of this is furnished by the hero of the Ramayana whose memory is cherished throughout Hindu India as the model king, and who put away his virtuous, faithful, and dearly loved wife merely because his subjects disapproved of her living with him. History does not record a greater instance of deference to public opinion by a warlike and despotic king well able, by his military powers, to enforce obedience to his authority. Among Muhammadans the despotic power of the king is controlled by the *ullema*. But modern rulers of India have hardly kept up to these ideals, and as under the ægis of British protection they are safe from foreign invasion as well as internal rebellion, there is no need for them to consult the wishes of their subjects. The only check upon them is the notice that might be taken by the paramount power if their misrule passes all bounds. There are of course a number of noble exceptions such as the Gaekwar, the Maharaja of Mysore, and some others, but the bias of the majority presumably would be in favour of the despotic use of the kingly power. Further they cannot be expected to intimately know or to carefully investigate the conditions obtaining in British India and the opinions of the better classes of His Majesty's Indian subjects. In giving their advice they will presumably act in ignorance of facts and be swayed by their personal predilections.

His Majesty the King-Emperor has certainly the right to the advice of any of them if he condescends to ask for it. They would doubtless regard the title of Councillor as a great addition to their dignity, but I am disposed to think that they would value it more if it was conferred permanently, *i.e.*, for life. It may be doubted whether they would relish the idea of its being taken away after a term.

I do not also quite see why the Imperial and Provincial Advisory Councils should be recruited on wholly different principles and why only territorial magnates should be admitted to the former and no other class of His Majesty's subjects as in the latter. The territorial magnates might form a larger proportion of it and the qualifications as to property and position of the other members might be higher, but it should possess a representative character. It must not be forgotten that the Legislative Councils have no advisory functions and can only interpellate or criticize the policy of Government at the time of Budget debate. The Advisory Councils should therefore reflect the opinions of His Majesty's subjects as a body as far as possible and not merely those of territorial magnates and of ruling Chiefs having no interest in the internal administration of the country. The Provincial Advisory Councils are thus projected on more practical and useful lines and the Imperial Advisory Council should be formed somewhat on the same model. Besides, on the proposed plan, all the members except some ruling Chiefs will have already given their opinion in the Provincial Council on questions affecting the provinces. These would often be of Imperial interest also. Thus there will be few matters on which Imperial Coucillors alone, as such, will require to be consulted, and on which they will not have already given their opinions as Provincial Councillors. If therefore besides the ruling Chiefs there are no other members who are not also on the Provincial Councils the use of the Imperial Council will be small, and it will be something of a merely ornamental body. Further the proposals contained in paragraph 5 (7) of the Government of India letter as to its mode of meeting will also tend somewhat to give it the same character. If the members have not to meet and to consult together collectively, except on rare and uncertain occasions, and there are to be merely separate references to them in secret at the Governor-General's pleasure, the public and they themselves will be likely to lose interest in their functions as well as the sense of responsibility.

I would therefore suggest that the constitution of the Imperial Advisory Council be made similar to that of Provincial Councils as respects recruitment of members, and that a definite rule be laid down fixing the mode and time of their meetings and prescribing the procedure for such meetings. The proceedings might be confidential unless specially ordered otherwise by the Governor-General.

(*b*) *Provincial Advisory Councils.*—I have stated my views above sufficiently in respect of such councils. I am disposed to think that they will be productive of considerable good. I would further suggest that a definite rule be laid down as to the time of their meeting. They might meet at least once a year if not twice. Matters previously referred to them for consideration might be threshed out at such meetings.

I further venture to think that neither kind of Advisory Council will fully meet the requirements of the times, as they are to be given no power of initiative as regards advice and would not be in constant touch with the Executive. What is wanted is a small body of responsible advisers who should give their opinion on all Government measures in so far as they affect the people and serve as a sort of medium of communication between Government and its subjects. But it is doubtful whether any such proposal is within the scope of this reference, and I therefore content myself with merely mentioning it.

Enlargement of the Imperial Legislative Council.—I consider that an expansion of this council is imperatively required. As regards its constitution, it is difficult to make an alternative proposal to that of the Government of India in paragraph 12 of their letter without proceeding on radical lines which would be inconvenient and for which the country is probably not yet fitted. I therefore refrain from proposals for a different kind of electorate, and suggest the following modifications:—

I would reduce the maximum in clause 2 A to 19 which would make the council consist of 27 officials and give them a majority of one in 53. With the Viceroy their number would be 28 or a permanent majority of two.

I have at present nothing to say against the proposal contained in sub-head (*b*) under head D of paragraph 12 (2) of the Government of India letter and explained in paragraph 13. This is merely an extension of the existing practice.

As regards sub-head (*c*) I have nothing to urge against the Government of India's proposal, but would reduce the qualifying annual revenue payable by the elector to Rs. 5,000 a year in order to allow of a proper representation of this class. A joint estate paying such sum should be held entitled to vote though the shares of the owners taken separately would disqualify them, the vote being a single one. This would constitute an electorate of 52 persons in this province—a small and easily manageable body, though it will perhaps be wanting in solidarity. But no other method will give perfectly satisfactory representation, certainly not election by the land-holding members of the Provincial Council. I speak here with particular reference to this province about which some information is before me. The election will of course be subject to confirmation by His Excellency the Viceroy.

As regards (*d*) I am inclined to take exception to the representation here allowed to Muhammadans. If the rules hitherto in force do not allow of adequate representation

of Muhammadans something doubtless ought to be done to secure that representation, but in my humble opinion the method in (*d*) appears to be open to very serious objections. The Muhammadans are entitled to adequate representation not over-representation. Now seeing the recent activity of Muhammadans in support of their interest which is of course quite legitimate and perfectly reasonable it might easily happen that they would obtain undue preponderance in numbers in the council. According to the Government of India scheme non-official Indians will be appointed mainly, if not entirely, under heads D and E and excluding sub-head (*a*) under which Europeans alone will probably be selected, there are about 20 places for them. If the Muhammadans get four places for certain under D (*e*) and E, they will obtain one-fifth of the seats, which is about the ratio they bear to the population. Then they are sure to get one if not two seats under D (*c*) and probably under D (*b*) also. They will thus get about seven or eight seats for certain and possibly more. In that event there will be over-representation in their case as compared to Hindus, allowing for the probable elections of Sikhs or Christians. In numbers they form little more than one-fourth of the Hindus. This, considering their comparative solidarity, would be over-representation and probably be resented by other classes of His Majesty's subjects.

Secondly, the concession of a special right of representation on the ground of religion is dangerous in principle and must lead to claims by other important religious minorities also, such as the Sikhs to whom a concession of this nature can hardly be made without further trenching on the rights of Hindus. Perhaps, I should say that a special favour of this nature granted to Muhammadans will probably mortify the Hindus. It must not be wholly forgotten that when they ceased to be reinforced periodically by fresh swarms from Central Asia the Empire of India was lost to Muhammadans, before the advent of the British who won it by fighting the Hindus.

The adjustment of the balance of representation in the case of Muhammadans must be left as before in the hands of Government. If the number of officials be reduced from 20 to 19 and (*d*) eliminated there will be 7 nominations in the gift of Government under E, and there will be ample margin left for rectifying inequalities in the case of Muhammadans. They are also practically sure to get 2 if not 4 seats under (*b*) and (*c*) of head D. If a fixed number is to be allotted to them at all under any head, which is to be deprecated, I would prefer a minimum of 2 under E (*i.e.*, leave the clause as it stands) to giving them any under a special sub-head like (*c*) which would cause heart-burning and probably give offence. Allowing for their importance they should get 5 seats instead of 4 which is about their proper share, and if the Government is disposed to favour them still further they might give them 6 seats out of the 20 or 21 mentioned by me. Probably the best plan is to give them an assurance that the nominations will be so made as to secure them 5 or 6 (if that is decided on) seats in all under E. The nomination will of course be made after seeing the result of the elections under sub-heads (*b*) and (*e*) of D.

To complete my remarks I further state that in case it is decided to maintain sub-clause (*d*) as it is, the electorate should be composed of men falling under classes (*a*) and (*c*) of paragraph 17 which should be made mutually exclusive but not those falling under (*b*). The concession of the right of election to Muhammadan fellows alone of the local University would be extremely objectionable and likely to offend non-Muhammadans and to give rise to opposition. There ought not to be much difficulty in compiling registers of voters falling under (*c*). The same electorate might be asked to send up some names for nomination by Government under E if sub-clause (*d*) of D is struck out. It would also be unadvisable to confer the right on the very small body of Muhammadan members of the Provincial Council as it would entirely destroy the representative character of the member who will simply reflect the views of the persons electing him.

Provincial Legislative Councils.—I was at first opposed to the creation of a Legislative Council for the Punjab, and this was the view of Sir Dennis Fitzpatrick as well. The history of the council since its formation has, I should think, to a certain extent justified the misgivings as to its usefulness originally felt, but as it is now established I am of opinion that it should be expanded.

As at present advised, I think an addition of five elected Indian members would suffice. There are five members appointed by nomination, and I think this system and the principle on which the nominations are at present made should be maintained. The elected members I would distribute thus. Two members, one Muhammadan and one Hindu or Sikh, by the land-holding electorate as shown in the figures given in the Punjab Government letter, page 2, paragraph 5. The electorate is small and may be slightly increased by lowering the annual revenue to Rs. 2,000 or Rs. 2,500, but the qualification of the member should not I think be reduced, though this has its draw-backs too. The Muhammadans might vote for the Muhammadan member and the Hindus and Sikhs for the Hindu member, and I think the Christians might be allowed to vote with the Hindus as this would tend to improve the quality of the Hindu member. But the alternative of all of them being allowed to vote for both is perhaps preferable, and I should be on the whole in favour of it.

The other two members, one Hindu and one Muhammadan, should be allowed to be elected by the district boards and the municipalities voting together and not alternately.

The electorate of both the municipalities and the district boards I believe provide for the representation of Hindus, Muhammadans, and Sikhs, and I have no doubt that where this is wanting suitable changes can be made in order to secure that result.

The fifth member might be elected by the University though this would introduce a political element in that body which is not altogether desirable. But such a measure is in force elsewhere and there can be no more feasible method of allowing representation to the English educated community.

As a counterpoise to the five elected additional members, I would suggest the nomination of four more officials and one European at the suggestion of the local Chamber of Commerce to represent trade interests. The fifth member among the five non-officials selected under the existing rules might be an Indian Christian or member of some other religious body. The council of twenty would then be fairly representative. The only drawback will be the large number of officials required for nomination, but I would minimise the difficulty by nominating one or two Indian officials. Moreover the Punjab Council does not meet often or hold its sessions for long.

I think the above scheme answers the points raised in questions 8 to 11 of the Punjab Government letter as far as I am able to answer them.

As regards question 12, I do not think special representation should be allowed to Muhammadans. The reasons have already been given. Under the scheme suggested by me, I think they will have adequate representation. If the Sikh nominated member is excluded from consideration they would have a majority over the Hindus. If he is included there can be no harm done, as Sikhs and Hindus form 46·3 per cent. of the population of the Punjab and the Muhammadans have only 7 per cent. more, a difference which cannot be conveniently taken into account in arranging for representation. I further believe, though I speak subject to correction, that the aggregate wealth of the Hindus and the number of educated men among them is greater, which is a sufficient counterpoise.

I would deprecate the formation of a special electorate for Muhammadans only as proposed in paragraph 17 of the letter of the Government of India and particularly the concession of the right of voting to class (3) where a similar right is not given to Hindu graduates who I believe are much more numerous.

Discussion of Budgets.—I consider the method of discussion of Budgets proposed by the Government of India will be beneficial and have no suggestions to make.

It will be an useful improvement if Budget was discussed in the Punjab Council also, but I hardly think a detailed discussion like that for the Imperial Budget is required for this council. I am not clear whether any motion can be proposed by non-official members, but, if it can be, sufficient notice of the contents of the Budget which will doubtless be given will enable them to do so.

Interpellation by members in the Punjab Council.—I advocate the introduction of this power. It will be beneficial and will put the Punjab on a footing of equality with other Provinces.

P. C. CHATTERJI,

Judge, Chief Court, Punjab.

Opinion by the Hon'ble Mr. Justice F. A. Robertson, Judge, Chief Court, Punjab.

Question (1).—I think some such Advisory Council would be of benefit to the country. I think that one-third, 20, is too large a proportion of ruling Chiefs, one-fourth, 15, would be better. But I think "brain and enterprise" should be represented on the council as well as the hereditary leaders of the people. There are questions of great importance constantly arising on which the hereditary leaders of the people might not be the most competent advisers, and it is in my opinion very desirable to have the intellectual and commercial leaders of the people represented as well as, what, of course, must form the main body, the hereditary leaders. The annarent intention of excluding them has given rise to much alarm and dissatisfaction among the educated Hindus. It appears to be worth consideration whether it would not be well to extend to the members of such a council the right to address the President (the Viceroy I presume) in an *autograph* communication on any subject of public importance. Such communications should be always autograph, otherwise demagogues might get hold of one or more of the members and send in their own concoctions under the member's signature. Such further restriction as may be necessary might be imposed, but it would, I think, be well to enable councillors to offer advice, or opinions, if they so desire. This at least merits further consideration.

Question (2).—I am not sure that Provincial Advisory Councils are so desirable as an Imperial one, but on the whole I think it would be a useful experiment. Subject to the remarks made above, regarding the Imperial Advisory Council, the general proposals in paragraph 6 appear to be suitable. I entirely concur in the view that "it is essential that the smaller land-holders, industry, commerce, capital, and the professional classes should also be included in the council." These classes at present do not appear to understand that this is the policy to be pursued, and are rather alarmed than pleased in consequence at the proposals put forward.

Question (3).—I think it would be a great mistake to increase the size of the Imperial Legislative Council to the extent proposed. It would be an exceedingly unwieldy body, and one extremely difficult to call or to keep together. I would reduce the number to 28 thus:—

I would cut out seven non-official members to be elected by the Provincial Councils. The non-official members of those councils do not appear to me to form sufficiently large or influential or representative bodies to make them suitable constituencies for the purpose. I would then cut out the two members to be elected by Muhammadans. I think this is a proposal based on a wrong principle, and it is one which has caused much alarm and has given great offence to the Hindu community. I would retain the four seats to be filled by nominations to represent minorities, but here again I would not specifically lay down that two or any number should be *of necessity* Muhammadans. It would be rather inconvenient, if the Muhammadans were found to be already over-represented, to be obliged to nominate two more. No doubt Muhammadans will have in all probability to be nominated for some time, but the present proposal seems to be unnecessarily invidious and calculated to create unnecessary alarm and annoyance.

I would also reduce the number of the nobles and great land-owners to 4 instead of 7. This class will be so largely represented on the Advisory Council that it is not necessary to crowd the Legislative Council in order to represent them more largely.

As to the number of officials, it is difficult to see how 20 could possibly be got together.

The council as it would stand under these proposals would consist of—

Ex-officio	8
Additional officials	7
A ruling Chief	1
By Chamber of Commerce	2
By nobles and great land-owners	4
Non-officials to represent minorities	4
Experts	2

A total of 28 which is ample now that the Advisory Councils are to be established. It would consist of 15 officials and 13 non-officials.

One word more. I would ask leave to add, and that is that I think it is a great misfortune for the councils that Judges are not allowed to be members. I quite see the point that those who are to declare the law afterwards should not be members of an assembly that makes it, but two points in this connection have been overlooked. The first is that the principle is perpetually violated by the appointment of Revenue-Judicial officials, especially to the Provincial Council, when it is employed in making laws to be administrated by revenue *courts*. It is a common occurrence for the presiding officer of the head revenue court of a province to introduce a law to be entirely administered by revenue courts of which he is the chief, and very frequently such Bills contain clauses taking away jurisdiction from the ordinary civil courts and conferring it on revenue courts, several of the presiding officers of which are sure to be on the council. If it is correct for, say, a member of a Board of Revenue, or a Financial Commissioner, to be on a council passing a law of which he will, as a revenue *court* (not revenue officer), be the final exponent, it is difficult to see where the objection to putting a Judge in a similar position arises. And as a matter of fact, the appointment of one or two Judges to the Imperial Council would really be quite unobjectionable, and their presence would tend very largely to diminish a class of mistake in legislation only too common. At the same time I have no wish to see Judges of the Chief Court, still in office, on Local Legislative Councils. But retired Native Judges would be very useful and should be freely employed both in the Imperial and Provincial Councils, and officers serving in the judicial ranks, whether European or Native, might be put into Provincial Councils with advantage.

Question III (4).—I have already answered this. I think the Imperial Legislative Councils should not exceed 28, and I would cut out those members to be elected by local councils.

Question III (5).—At present I think the only possible means of selecting one of the great land-owning classes to represent the province is nomination by the local Government.

The only modifications, which appear possible, would be to allow all land-owners paying a land revenue of, say, Rs. 1,000 and upwards to vote for, say, 2 or 3 members of their own district to be placed on a Provincial list from which the local Government should select its own nominee. This would give a Provincial list of 60 to 90 for selection. Any system of direct nomination or election would, I think, be quite unsuitable and objectionable in the Punjab.

Question III (6).—I approve of the appointment of 2 Muhammadans to the Imperial Council by nomination, when necessary. But I do not think, as noted above, that the 4 places should be reserved absolutely for Muhammadans, and I think the appointments should be by nomination by the Viceroy and not by election.

As regards election, if there is to be election, I would suggest that a list of fit persons, say 20, should be nominated by Muhammadan land-owners paying land revenue of Rs. 1,000 or over; non-agricultural Muhammadans paying an income-tax representing an annual income of Rs. 25,000 on a land revenue and income-tax combined of Rs. 1,000 and over; Muhammadan Fellows of the Punjab University.

From the 20 persons so nominated the local Government of the Punjab, when it is the turn of that Province, should select its nominee.

Question IV (7).—I must say frankly that at present I doubt very much if the Punjab is sufficiently equipped for the very difficult and technical work of Legislation. It would be idle to pretend that the council has so far proved a great success. In my opinion there should only be one Legislative body for India, but if, as I presume and regret is the case, it is intended to maintain the local councils, they, at least the Punjab one, certainly require some strengthening. It would increase the number slightly, say to 12, 7 official and 5 non-official, provided new fields for recruitment can be devised.

Question IV (8).—I would have no election, but would have the whole number nominated, it being understood that of the 5, at least one should be Muhammadan, one a Hindu or Sikh, and one a non-official European. I do not think any system of election would be advisable, but if any should be introduced, the election should be of a number of suitable persons from whom the local Government should nominate.

Question IV (10).—I do not advocate any system of election, certainly not one through municipalities and district boards.

Question IV (11).—I have already answered this. I would nominate.

Question VI (12).—I think sufficient provision for the representation of Muhammadans would be made by the rule, one of the 5 should always be Muhammadan, and by using the remaining 2 nominations as might be desirable.

Question V (13).—I have consulted Mr. Justice Kensington, who is more familiar with this part of the subject than I am, and after doing so I am much in favour of the alteration suggested in paragraph 23 of the Government of India letter in regard to discussion of the Budget in the Imperial Legislative Council. The Budget debate, as at present conducted, appears to be uninitiated to be at best infructuous and at worst a source of positive mischief. The certainty, which certain members of the council now feel that nothing they may say has the smallest chance of being accepted, tends to encourage them in making wild and irresponsible speeches, which are not really addressed to the council so much as to the outside world controlled by wire-pullers. The alteration suggested should go far towards remedying this.

Question V (14).—I am inclined to say that no useful purpose would be achieved by discussion of Budget in the Punjab Legislative Council. The conditions under which a Provincial Budget is framed preclude such discussion from practical result.

At the same time, if there is any real feeling among the non-official members of the Council that they should not continue to be deprived of such facility for Budget discussion as is given in other provinces, I would concede the point rather than make a somewhat invidious distinction. But in that case it would be well to, as far as possible, introduce the system of discussion by separate heads, and I would make it clear from the start that practical suggestions only are wanted and not an aimless discussion of things in general.

Question V (15).—Yes. I do not think that it would be of advantage to introduce the power of interpellation in the Punjab Legislative Council.

F. A. ROBERTSON,

Judge, Chief Court, Punjab.

No. 3971, dated Jullundur, 2nd December 1907.

From—LIEUTENANT-COLONEL H. S. P. DAVIES, Commissioner, Jullundur Division,

To—The Chief Secretary to the Government of the Punjab.

In compliance with paragraph 1 of your letter no. 2643-S., dated the 27th September 1907, I have the honour to submit my opinion on the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

2. I have consulted the Deputy Commissioners of the five districts of this division and also certain selected persons in each district named in the list below, and the opinions elicited from them are submitted herewith in original, with translations in such cases where the replies were given in vernacular. A reply has not been received yet from the Deputy Commissioner of Hoshiarpur.

H. S. P. DAVIES, *Lieutenant-Colonel,*

Commissioner, Jullundur Division.

LIST.

Mr. Ahsan-ul-Haq, Barrister-at-Law, Jullundur City.

Pandit Devi Chand, Pleader, Jullundur City.

Pandit Amar Singh, Pleader, Jullundur City.

Diwan Shadi Ram, B.A., LL.B. (Cantab.), Barrister-at-Law, Ludhiana.

Rai Wazir Khan of Bhangala, Hoshiarpur District.

Mr. Bhagat Ram, Barrister-at-Law, Jullundur City.

Rana Lehna Singh of Manaswal, Hoshiarpur District.

Rai Bahadur Sham Das, Pleader, Hoshiarpur.

Maulvi Muhammad Hasan, President, Anjuman Islamia, Ludhiana.

Tika Ram Narain Singh of Anandpur, Hoshiarpur District.

Bhai Arjan Singh, Honorary Magistrate of Bagharian, Ludhiana District.

Khan Bahadur Ahmad Shah, Honorary District Judge, 1st Class.

Opinion on Punjab Government letter No. 2643-S., dated the September 1907.

The proposals formulated by the Government of India have been made with the view of giving the people of India wider opportunities of expressing their views on administrative matters, and with the particular object of devising a scheme of constitutional reference in making adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes and the great body of men, who, under existing conditions, have no sufficient inducement to political life, and who find but little scope for the exercise of their legitimate influence. It is stated that these classes have profited greatly by the educational advantages offered to them under British rule, and they are anxious to be afforded an opportunity of expressing their views on matters of practical administration.

Before entering into the details of the proposals, it seems necessary to discuss the proposition stated above, and the reason for the present position of affairs. In most questions involving administrative changes or proposals for new legislations, the opinions of the heads of districts are called for, and are given not only as representing their personal views, but also as representing the general opinion of the residents of the district. Formerly the head of a district had special days set apart for visitors who were received by him at his house, and who not only expressed their views on any matters discussed, but also ventured remarks on matters of general administration. In this manner the head of the district saw all the men of influence in his district individually some five or six times during the year. Owing partly to increased pressure of work, the time the district officer is now able to allow the visitors is far less than it used to be, with the growing result that there is less informal conversation with visitors, who mostly approach him for some particular object. The result has been that his intimate acquaintance with the views held by the residents of his district is not the same as it used to be. This state of things has been further accentuated by the progress of education; men who have obtained position through their educational abilities and who, perhaps, have taken their degree in England, do not consider that they are being treated with the respect due to that position, when they have to take a seat in the verandah, as is almost always the

case, and wait until the district officer is at leisure to receive them. This leads them to discontinue such visits, and their lead is followed by others until finally the district officer has very little chance of hearing the opinions of this class except through the newspapers, which are too often unreliable. The breach which undoubtedly exists between the officers of Government and the educated classes, taken as a whole, is, I consider, not only political but in a large measure social.

As the proceedings in the Legislative Councils are, and must be, in English, the choice of members, whether by election or nomination, is necessarily very limited, owing to the small number of possible candidates who possess such a qualification. It is stated in the letter of the Government of India that out of the 388 non-official members who have been appointed to the Provincial Councils since 1893, whether by election or nomination, 36 per cent. have been lawyers and only 22 per cent. land-owners. It may be accepted that, had it been possible, the proportion of land-owners would have been larger, and that the reason why so few were nominated is to be found in the fact that a greater number having English qualifications were not available. At the present moment the men who not only have a good colloquial knowledge of English, but who are also in daily communication with all classes of the community, are the lawyers: no other class can be compared with them in this respect. It is true that many of the sons of the landed gentry attain a fair knowledge of English during their course at the Aitchison College, but in many cases they either fail to keep it up and gradually forget what they had learned or else they rather lose touch with their surroundings by adopting European customs and manners. This question of language will affect the result of all elections on whatever basis they may be held, as it will speedily be recognised who lacks the power of expressing himself in English will be unable to represent the views of the electors.

I. (1) I do not consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of sufficient service to the country to warrant its formation. The government of this country is in the hands of the Governor-General in Council, and in all matters of importance it is assisted by the advice of local Government and administration. It can hardly be expected that the opinion of an Imperial Advisory Council would be accepted as against the advice of local Government and administration, and though membership of such a council might confer honour and prestige, it would have little other effect. The territorial magnates whom it is proposed to appoint to such councils would in almost every case have given their opinion on the subject to their own local Government, and it seems almost useless to call upon them again to give a confidential and secret opinion. It can hardly be supposed that any would be submitted to such a council which had not previousy been discussed with the local Governments. At the same time, I consider that it would not be unwise to associate the great ruling Chiefs with the Government of India, and to ask for their advice on matters of sufficient importance, though it is doubtful whether any advantage would be gained from their collective consultation.

If an "Imperial Advisory Council" be formed as suggested I agree with the proposals in paragraphs (2), (3), (4), (5), (6), but have doubts whether it would be possible or expedient, the collective consultations should be kept confidential. This is particularly the case if such a council is to be used as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government.

II. (2) I consider that a Provincial Advisory Council would be a useful institution. As regards its duties, there seems no objection, and at the same time no particular benefit, in the opinions recorded by individual members being treated as confidential, but I consider that any collective opinion recorded by the council should not be treated as confidential; it would be very difficult to keep secret the matter on which the council had been consulted, and in order to prevent misrepresentation of the conclusion the council had formed on such a subject it would be advisable that such opinion be published.

The Advisory Council will be specially summoned for deliberation by the heads of the province, in cases when a collective opinion is required from it, but I consider that in addition there should be an obligatory meeting at least once during each year. In paragraph 4 of the Government of India letter it is stated that the Advisory Council, when summoned for the purpose of collective deliberation, would be enabled to offer their counsel on matters affecting the welfare of the people.

The proposals made in paragraph 5 (6) are not quite the same as the above, as it is stated that the functions of the Advisory Council should be purely advisory, and that it should deal only with such matters as might be specifically referred to it from time to time. If my interpretation of paragraph 4 is correct the proposal is one which seems likely to lead to most important results, in affording means of an expression of opinion on matters affecting the welfare of the people. The collective opinion of such a body on any question of social reform would undoubtedly carry great weight with the Government, and I think would be welcomed as a constitutional method in which an authoritative opinion could be put forward.

It is one of the chief complaints against our system of government in this country that the inhabitants of the province have as yet been given no way of expressing their views in a recognised manner; this would be afforded to them under these proposals. My view is that the opinion of this council should be taken on any matter affecting the welfare of the people, which a councillor may desire to bring forward subject always to the proviso that such proposal or resolution be previously submitted to the head of the province and that he approves of its discussion. It does not follow that it need necessarily be discussed, as the council would always have the power to decline to discuss it, or to formulate any collective opinion on it.

As regards the constitution of this body, half the members should be land-owners, having not less than some fixed property qualification; the others should be as representative as possible of the various classes, having either qualifications as income-tax payers, as land-owners, or as having an educational qualification; the qualification in all cases must be sufficiently high.

I do not consider that in the Punjab it would be possible to obtain a really representative body, except by nominations the difficulties in any scheme of election are very great, and I am very doubtful whether their election, under the present conditions, would either be popular or effective. As regards minor details, my opinion is that the term of appointment of members should be limited to three years, and I am unable to agree that the deliberation of such a body should be informal, but think that specific rules of procedure should be laid down and implicitly followed.

III. (3) The proposal is to increase the council up to a total of 541 by the appointment of additional members. These additional new members would be—

14 nominated officials.
2 ,, non-officials.
13 elected members.

It seems doubtful whether, with the addition of so many members, the progress of legislation will not be rather retarded than improved, but it is difficult to see how an increased elective membership can be of much use, unless the members are raised as suggested.

III. (4) Yes. At the same time it is not stated whether the member elected is to be one from among the non-official members of the Provincial Council or not. In the latter case, I consider that qualifications, to enable a man to stand for election, should be distinctly laid down.

III. (5) I consider that in the present circumstances of the Punjab, a better result would be obtained by the nomination of a member to represent the land-owners than by any form of election. The number of land-holders on the Provincial Council would be too few to form an electorate, and an electorate composed of the entire body of land-owners would not be satisfactory, specially as there appears to be no standard of qualification.

III. (6) I do not approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by nomination and 2 by election. I consider that the words "not less than two to be Muhammadans" should be struck out. It hardly seems necessary to tie the hands of the Viceroy in such matter; he would nominate non-officials to represent minorities, and his discretion need not be fettered by legislative enactment.

I have great doubts as to the advisability of reserving special appointment, by election, for Muhammadans; it introduces the matter of religion into politics, and singles out the members of a particular persuasion for special treatment. I should prefer to see these two elected appointments reserved for nomination by the Viceroy, who would always be able to consider the interests of minorities.

In case election is resorted to, I do not consider that the power of election should be put into the hands of the few Muhammadan members of the Provincial Council, but think that the electorate should be on a wider basis, the register of voters being compiled from Fellows of the Universities, payers of income-tax, and landed proprietors together.

IV. (7) Yes. I consider that a larger representation of the non-official element is required. The whole number should not exceed 20, of whom 10 should be officials, exclusive of the Lieutenant-Governor.

IV. (8) I would maintain the present system of nomination in preference to election. Both methods are open to objection, but judging from the results of elections for the district boards and municipalities, I hardly think that the best men would, under the present conditions, either stand for election or would be elected. It is well known that a member, nominated to either a municipal committee or to a district board, considers his status rather superior to that of an elected member, and men have been known, not infrequently, to decline nomination for an elective vacancy, through their dislike of being obliged to compete with others for such a post. As long

as election is regarded in this manner, it must surely be unwise to select members for the Legislative Council by this method. It may be, that by degrees, the hereditary principle will give way to election and we shall then find an electorate to our hand on the basis of the village. It does not seem improbable that, in the future, headmen of the village will obtain their posts by election and not for life but for a limited term; then they in their turn will be able to elect zaildars, who will elect representatives of tahsils, and in this way a real electorate may be formed.

But the hereditary feeling is still very strong in the country and the people are not ready to receive the principle of election on a popular basis, and if such system was commenced, there would be fear of raising up a class of professional politicians, whose opinions would not represent in any way the real opinion of the people.

On the other hand, a member nominated by Government is somewhat inclined to think that his selection is an honour paid to him personally, and in return, that it is rather his duty to support any measures of Government; this feeling is not so strong as it was, and a nominated member is beginning to recognise that his appointment is not so much personal as representative. The present choice lies between these two systems: nomination, under which members have a leaning to support measures generally, and election, under which members come in, rather with the object of destructive criticism, than with the view of assisting the deliberations of Government. The elective system, so far as it has been tried, has not proved a success, while nomination has been by no means a failure, and no sufficient arguments have been advanced to justify the change.

IV. (9) I am not in favour of determining the proportion of seats to be allotted by race, or by caste, or by religion.

IV. (10) I am unable to advocate election through municipal boards, the election of the members of such boards depending so much, as they do, on matters of purely local interest. With the present low franchise, I am also unable to advocate election through district boards, but if the franchise were raised considerably, it might form an electorate. I should prefer to have the electorate divided among tax-payers, men with education, and revenue payers.

IV. (11) The only separate representation of classes that would be possible would be on the basis of religion; I think that for the purpose of district board elections villages of the same religion should be grouped together more than they are at present, so that a fair representation of men of different religions could be obtained. In towns this could also be done by arrangement of the elective circles. I think that both district and municipal boards would be improved by the formation of such electoral groups, and by the insistence that the election should be literate and have proper qualifications higher than are necessary at present.

IV. (12) If a municipal electorate for Muhammadans is to be formed, I would suggest that the qualifications of electors should be that they were graduates of the Punjab University and were also qualified through payment of income-tax or by land revenue.

V. (13) Yes.

V. (14) The Budget as now published is almost unintelligible except to experts, but I think that if it could be expounded in a comprehensive and simple form, that there would be no necessity for detailed discussion. As education advances, people take more interest in the finances of the province, and display a laudable anxiety to know in what manner the revenues are being spent. I would rather leave it to the Advisory Councils to make suggestions on it than have a formal debate in the Legislative Council on its separate heads.

V. (15) I do not consider that the introduction into the Punjab Legislative Council of the power of interpellation would be of much use; the meetings are so few and are held at such long intervals that were such power to be granted it could be but very seldom exercised.

H. S. P. DAVIES, *Lieutenant-Colonel*,
Commissioner, Jullundur Division.

Imperial Advisory Council.

Question 1.—Personally, I do not think that an Imperial Advisory Council as sketched in the Government of India letter will be of much good. From what I have been able to gather from persons with whom I have talked over this matter, there is a general feeling that a council constituted as laid down in clause (3) of paragraph 5 would only be a sort of make-believe and not accepted as a genuine attempt by Government to cope with a difficult situation.

As regards the people and their wants, I do not think the ruling Chiefs, or the territorial magnates from the various provinces, are in any sense in touch with the

people, nor have they advanced with the times, with but few exceptions, nor, except in matters where Imperial India is concerned, do I see how ruling Chiefs can possibly have the requisite knowledge to make their advice and opinion worth having.

I don't think that as regards this province we can say that the territorial magnates occupy the position, now, as hereditary leaders of the people which they did half a century ago. For this education the British Raj is wholly responsible, and we cannot ignore the leading representatives of the educated community, who in a far truer sense are leaders of the people than those mentioned in paragraph 5, clause (3), of the letter under discussion, and who would in many respects make more competent advisers. I would have an Imperial Advisory Council most certainly; the idea I suppose is to have a sort of upper house, but to make them really useful I would invest them with responsibilities. If the ruling Chiefs' idea is to be maintained then add another 20 members, and have 20 ruling Chiefs, 30 territorial magnates, and 30 representing the educated and other classes of the community. Then, the results of their consultations and meetings should not be private and confidential, but be given the widest publicity. How can any public, or section of the public, have any confidence in such Star Chamber sort of meetings, and what good can be obtained by the public not knowing what the opinions of these councillors are. Presumably it is impossible to give them the power of assembling on their own motion, but I think it should be definitely stated that they should be called upon to meet at least once a year and be allowed to present addresses on any serious occasion or necessity to Government.

Provincial Advisory Councils.

Question (2).—No, I do not think so; as regards the Punjab, at any rate, it would be an unnecessary complication and be misunderstood. If it is decided in the affirmative, then it should be amplified as proposed by me above.

Question (3).—Yes, as follows:—

A . . . . 8.

B . . . . 20.

C I would eliminate, or if wanted for any special Imperial question, could be included in E for a special period only.

D Elected members—

(*a*) by Chambers of Commerce, Bombay, Calcutta, United Provinces, and the Punjab—4.

(4) (*b*) As stated in paragraph (13)—7.

(5) (*c*) I would keep the Imperial Legislative Council free from the turmoil of elections. Nor do I see how it is possible to raise a satisfactory constituency for the purpose of electing one member from an entire body of land-holders of an entire province. I think better representation would be obtained by nomination, but I would not confine the system of nomination to a representative of the great land-owners. The nominees should be the best man available, no matter what his caste, creed, or opinions might be—7.

(6) (*d*) This is, I think, unnecessary.

The Muhammadans are given quite a fair chance in (*b*). They will be entitled to two seats by nomination under E, which is a concession to the Muhammadan minority if the need arise, but there does not seem to be any necessity in the formation of a separate Muhammadan electorate for the Imperial Legislative Council, if the Provincial one is carefully constituted. If a separate Muhammadan electorate is to be formed, and it is also ruled that under (*c*) of D there are to be election, then as a matter of equity the Muhammadans must be excluded from the general electorate. But I think it is a pity to differentiate between races and creeds. If so, as regards the Punjab, the claims of our Sikh community are as equal if not more powerful than those of the Muhammadans.

If, however, there must be a Muhammadan electorate, I would make it as small as possible and confine it to the non-official members of that community in the Provincial Council. Leaving out (*d*), I would increase E to (5), of which not less than 2 to be Muhammadans, the number would be the same 53.

Provincial Legislative Council in the Punjab.

(7) *Question* (4).—In considering the future constitution of the Punjab Legislative Council the necessity of maintaining an official majority must be borne in mind. As at present constituted it consists of not more than 9 members, excluding the Lieutenant-Governor, of which one-third must be non-officials.

The new constitution might be—

A (*a*) His Honour the Lieutenant-Governor	1
(*b*) The Honourable Financial Commissioner and Settlement Commissioner	2
B Additional officials to be nominated	16
C Elected members—	
(*a*) By the Chamber of Commerce	2
(*b*) By the members of municipalities (excluding minor municipalities)	
(1) elected member for each revenue division of the Punjab	5
D (*a*) Non-officials to be nominated by the Lieutenant-Governor, one for each revenue division in the Punjab, to be chosen from the elected district board members of the districts of each division	5
N.B.—This system to be eventually replaced by one of election, as time may show the advisability when the qualification of such members has been greatly raised from the present low qualifications.	
(*b*) Non-officials to be nominated by the Lieutenant-Governor to represent minorities or special interests not less than two to be Muhammadans .	4
TOTAL .	35

(8). At present I would only have as elected members the 2 non-official members elected by the Chamber of Commerce, and the 5 to be elected by the members of the various sadr municipalities of each division.

I am quite aware that this last will work unequally, and that in divisions like Lahore and Delhi the superiority of the sadr divisional town, if I may so call it, may be too great; on the other hand, if there is to be any election, what, other than the revenue division, can be the territorial limit. The only other thing is nomination all round, but that can hardly be called much of an advance, if that is all we are going to give. The people must, to a certain extent, work out their own salvation, and mistakes will undoubtedly be made. But unless a step forward is made now it will not be made for some time, and now is the time to make it. There are only two doctrines which can be accepted in this matter—(1) is that Liberty alone fits men for Liberty, and (2) the counter doctrine, "wait till they are fit." In all countries experience has shown that the latter has led to more abuses than the former, and as if we really mean to give India a constitution of its own, then the first step must be by these so-called elections.

But the qualifications both of electorate and the elected must be advanced, both district board elections and municipal towns. The latter must certainly, and, in the degree of advance, the qualifications of the elected should be greater than the electorate.

(9). I would not advocate any rule, determining the proportion of seats to be allotted to each class. This is Hot-house legislation of the worst type, and I can see no argument in favour of dividing the country into a set of political watertight compartments. Moreover, it is this very proposition which has found so much disfavour amongst the people I have discussed these propositions with. The stock argument of *divide et impera* is advanced against us with some show of reason, and it is on our part surely a retrograde step to accentuate existing difference between men of opposite creeds and castes, by our legislation than by attempting to weld a hetherogeneous mass into a homogeneous whole, with some idea of national union. The arguments advanced against this proposition are than whilst ostensibly a movement to do justice to minorities or special interests, it will result in crushing any attempt at national opinion or union, and that the sustitution of electorates on the basis of caste, class, community, religion, and occupation for the territorial electorates, which are the only natural electorates for political representation, is a step backward in the political education of India.

To my mind the most important objection to the formation of an electorate on the above basis is the fear that it will accentuate racial and religious differences, because, although in any election there is always the tendency to bitterness and racial animosity, there would be nothing to prevent a Hindu voting for a Muhammadan or *vice versâ*, or a Khatri for a Sikh, and so on, yet this would be impossible where there are class electorates, and so there never will be political or national unity.

(10) and (11). If, however, there is to be a class electorate, there would be under—

C (*b*) 5 members to be elected.

D (*a*) 5 members to be elected.

As there would no longer be any election by municipal members, or members of the district board, and these should be allotted—

Muhammadans	3 seats.
Hindus other than Sikhs	2 ,,
Sikhs	1 ,,
Christians	1 ,,
Trade	1 ,,
Profession	2 ,,

but the difficulties of forming this electorate and of preventing a professional man who is a trader by caste and a Hindu as well, of voting for more than one representative, will be almost superhuman. I certainly would not sub-divide any more.

(10) and (11). I would only advocate election for 5 members at present, one for each revenue division, and the electorate to consist of all existing municipal members of sadr municipalities after raising the status of the electorate in such towns, and the qualifications necessary to become a member.

The 5 members for the corresponding territorial electorate from district boards should at first be nominated, and the system to election extended gradually.

(12). I am against a separate electorate for Muhammadans, for reasons already stated, but if this is decided to be necessary, I would recommend the adoption of the proposals laid down in paragraph 17 of Government of India letter.

As regards the proposals in paragraph 22 of Government of India letter, if it is determined to have class representation by election in the Provincial Council, then it follows that some sort of plan as is proposed in (*c*) of this paragraph will be necessary.

It will be necessary to divide the municipalities and district boards into compartments first Muhammadans and Hindus, the proportion of each being divided according to the electorate of each, and then consider what sub-divisions of the two main divisions are necessary. There should be for each race, land-holder class, and a professional class, nothing further would be necessary for the Muhammadan community. As regards the Hindu, two other sub-divisions would be necessary to provide for the trading class and cultivating class, and the qualification for the electorates of each class are only a matter of detail; but in each class the electors must be literate.

I must confess that I don't like these political watertight compartments, and that these suggestions are only made in the event of it being decided that class representation and electorates are necessary.

Questions (5), (13), and (14).—Budget discussion should be allowed freely in both councils, and under separate heads or groups of heads.

(15). Certainly, I don't see what harm can be done, and it may be productive of much good.

P. S. M. BURLTON, *Major*,
Deputy Commissioner, Jullundur.

No. 3833, dated 16th November 1907.

From—T. MILLAR, Esq., C.S., Deputy Commissioner, Kangra,
To—The Commissioner, Jullundur Division.

With reference to your circular no. 161—3372, dated the 9th October 1907, I have the honour to say that within such a limited time I have not had that opportunity of consulting with others which is so necessary when such important questions are under discussion.

Questions I and II.—It is exceedingly doubtful whether any useful purpose would be served by the appointment of Advisory Councils. An extension of the Legislative Councils would, however, probably meet every demand for increased representation and at the same time confer power on the members.

But if it is deemed advisable to have an Advisory Council in this province it should be formed on the lines indicated in paragraph 4 of no. 2643-S., dated 27th September 1907, from the Chief Secretary to Government, Punjab and its Dependencies, to all Commissioners of Divisions in the Punjab; all the members being nominated not elected.

Question III.—If possible, it would probably be better if only members or ex-members of Provincial Legislative Councils were nominated to the Imperial Legislative

Council. Such a plan would probably not cause such an increase in numbers as proposed, but perhaps this would be an advantage from a working point of view. It would be a great pity to introduce any element of election or any religious distinctions. A suitable number of Muhammadans could always be obtained by nomination, the power of nominating a certain number of members being retained by the Viceroy.

Question IV. (7) I would suggest that the number of the Punjab Provincial Legislative Council be raised to 15 as a maximum.

(8) The present system of nomination should be maintained.

(9) A fixed rule determining the proportion of seats is not advisable, but if possible there should be at least—

- one non-official member representing Trade and Commerce;
- one non-official member representing Law;
- one Hindu official member representing the great landed interests of the province;
- one Sikh official representing the great landed interests of the province;
- one Muhammadan official member representing the great landed interests of the province.

The questions of election and electorates introduce so many points that I would prefer to express no opinion without an opportunity of full discussion.

Question V. (13) The system of discussing the Budget in the Imperial Legislative Council as suggested in paragraph 23 of the Government of India letter might well be adopted.

(14) There would be an advantage in discussing the Provincial Budget by separate heads or groups of heads. Points raised could well be considered in the next year, if the Budget then under discussion could not be conveniently altered.

(15) There seems no good reason why the power of interpellation should be introduced into the Punjab Legislative Council.

With reference to paragraph 2 of your circular endorsement under reference, I am unable to suggest any individuals or bodies in this district who might be asked about the representation of the various classes of the native community. The district is almost entirely Hindu.

T. MILLAR,
Deputy Commissioner, Kangra.

Replies to questions circulated by the Punjab Government in connection with Government of India letter no. 2310—2317, *dated 24th August* 1907.

I. (1) I consider the formation of the proposed Imperial Advisory Council a great step towards popularizing British Government with the aristocratic and educated classes of India. The only suggestion I have to make in regard to the proposals contained in paragraph 4 of the Government of India letter is that the number of ruling Chiefs who are to take part in the council may be cut down to 6. Twenty is a very large number, and besides there are very few Native Chiefs who keep themselves in touch with the current events in British India.

II. (2) *Provincial Advisory Councils.*—In my opinion it is highly desirable to have a Provincial Advisory Council which might be constituted as follows:—

(*a*)	Chiefs, Princes, and Ministers of Native States	3
(*b*)	Representatives of Provincial and Divisional Darbaris . . .	2
(*c*)*	Representatives of municipalities 2 and district boards 2 . .	4
(*d*)	Retired officers of Government (civil and military) one from each division	5
(*e*)	One representative of each of the following—	
	(*i*)* Senate of the Punjab University	4
	(*ii*)* Chambers of Commerce	
	(*iii*)* Members of the legal profession	
	(*iv*) Crown colonies in the Punjab	
	TOTAL . .	18

* These seats might be filled up by election and the rest by nomination.

III. (3) I am entirely in favour of the proposed enlargement of the Imperial Legislative Council and the manner in which it is proposed to distribute the seats.

I, however, wish to strike a note of caution that it would still be advisable to recruit a fairly large proportion of barristers and pleaders, and members of learned professions, as the representatives of these classes can best voice forth the statements of the people in a foreign tongue. For a long time to come the land-holding classes would not, I am afraid, be able to produce men, in sufficiently large numbers, who could efficiently take part in the council debates and who could make speeches in English or draft bills if required to do so. It seems to me that the Imperial Advisory Councils should be largely recruited from landed aristocracy, while the Legislative Councils should be manned by experts and members of what may be termed the aristocracy of letters.

III. (4) In the Punjab I would propose that the electorate for this seat should consist of all the members (official and non-official) of the Punjab Legislative Council, as well as all the members of the proposed Provincial Advisory Council.

III. (5) In a province of peasant-proprietors like the Punjab, where there are very few territorial magnates, and where the land-holders do not form a homogeneous class, it is, I think, not necessary to reserve a seat for them or to create a separate electorate in their interest. But if it is decided to take a representative of that class, then he should be selected by the Local Government from among the Provincial Darbaris.

III. (6) I approve of the proposed appointment of four Muhammadans to the Imperial Council. In clause E of paragraph 12 of Government of India it would perhaps be better to divide the four seats as follows:—

(1) Muhammadans	2
(2) Sikhs	1
(3) Indian Christians and Parsis (by rotation)	1
TOTAL . . .	4

The electorate for the two Muhammadan seats by election should consist of:—

(1) Muhammadan members (official and non-official both) of Provincial, Legislative, and Advisory Council.

(2) Muhammadan members of municipalities and district boards.

(3) Muhammadan graduates of the Punjab University.

It is not necessary to add to this list Muhammadan Fellows of the University, as most of them will be included in clause 3. Similarly I do not think it advisable to include in the electorate income-tax payers or revenue payers of amounts not falling below certain figures, as the leading men among them will be found on municipalities and district boards. The standard of education is low in the Punjab. I would therefore advise not to make the electorate too wide or extensive.

IV. (7) In my opinion the Punjab Legislative Council should be constituted in such a way as to allow for the following non-official members to take part in its deliberations:—

(1) One nominated member from each division.

(2) Two elected representatives of the legal profession, one of whom should be a barrister and another a pleader.

(3) One elected representative of municipalities and district boards.

The total number, might, I think, be fixed at 18, and it might be composed as follows:—

A.—Officials (Europeans 8, Indians 2)		10
B.—Non-officials arranged as follows: if possible:—		
(1) Hindus and Sikhs	3	
(2) Muhammadans	3	
(3) Indian Christians and Europeans	2	
		8
TOTAL . .		18

IV. (8) I would fill 5 seats by nomination and 3 by election as explained under head IV (7).

IV. (9) If it is decided to have a class representation on the Provincial Council, then I would recommend the proposition indicated under head IV (7). The only impor-

tant class, however, which stands the risk of being unrepresented in the Punjab is that of the Sikhs, so all that the Government need provide is that at least one of the five nominated seats should go to that body.

IV. (10) In my scheme only one elected seat will go to municipalities and district boards, and for this only the presidents, vice-presidents, and honorary secretaries (past and present) of these local bodies will be allowed to compete.

All practising members of the legal profession will be allowed to form an electorate to elect their own representatives.

IV. (11) I do not think the system referred to in paragraph 22 (*b*) would work well in this province. I am, moreover, not in favour of giving any official status to the socio-religious bodies like the Anjumans and Panchayats.

IV. (12) Hindus and Muhammadans are equally matched in the Punjab, and I do not think the latter require any separate representation.

V. (13) I am in favour of the Budget being discussed in the Imperial Council by separate heads, as proposed in paragraph 23 of the Government of India letter.

V. (14) Yes.

V. (15) If power of interpellation is allowed in other Provincial Legislatures, it should, I think, be allowed in the Punjab Legislative Council also. All the questions should, however, be first shown to the President, and if he objects to any of them being put his decision should be final.

TEK CHAND,

Deputy Commissioner, Ludhiana.

No. 510, dated Ferozepore, 18th November 1907.

From—C. H. ATKINS, Esq., Deputy Commissioner, Ferozepore,

To—The Commissioner, Jullundur Division.

I have the honour to submit my opinion on the Government of India proposals with regard to Imperial and Provincial Councils as requested by you in your circular letter no. 161-3372 of 9th October 1907.

C. H. ATKINS,

Deputy Commissioner, Ferozepore.

OPINION.

I. (1) I do not think that an Advisory Council so consituted is either practicable or likely to be of service.

If it be desired to consult the magnates of a province individually, this can be done without making them "councillors."

If consulted collectively the proceedings of so large a body cannot be kept confidential or private, and I do not think that an "informal" gathering would lead to any satisfactory result. Unless there is considerable formality there will be disorder and even possibly wrangling.

Again the magnates do not represent the feeling of the country to any great extent and much less the feeling of the party which is now striving to make itself felt and which has led to this desire on the part of Government to meet its wishes so far as is consistent with good government. The formation of such a council would be apt to aggravate rather than pacify the cry for self-government. I think that the Advisory Council might well be constituted by election and on a more extensive electorate than the Legislative Council.

I would have the elected members of the Imperial Legislative Council elected by the members of the Imperial Advisory Council. The members of this Advisory Council might all be elected. The number should not be large at present, but might be increased gradually.

At first the suggested number of 60 seems appropriate, say 10 from each province.

I am inclined to think that the 10 might be elected by the Provincial Advisory Council and that the 10 might be in the Punjab:—

(*a*) not less than 6 land-holders, of whom 2 should be Muhammadans, 2 Hindus, and 2 Sikhs;

(*b*) one representative of the lawyer class;

(*c*) at least one representative of the mercantile class;

(*d*) one representative of the Punjab University.

I am not sure whether they should be elected only by the members (of the Provincial Advisory Council) of the class which they represent or by the whole body of members, but I am inclined to think that the whole Provincial Council might elect all the members.

Clauses (4), (5), and (6) of paragraph 5 of the Government of India letter are appropriate, but the Imperial Advisory Council might also have the power of electing from among its members the elected members of the Imperial Legislative Council.

II. (2) I think that a Provincial Advisory Council would be a useful institution, and in the main the proposals in paragraph 6 of the Government of India letter seem appropriate.

In the Punjab I do not think that at present the members of this council should be elected.

It should be provided that each class should be represented.

A certain number should be appointed by the local Government and the other appointments left to the Commissioners with rules to ensure that each class and religion should be represented according to its relative importance in the division.

Should it be thought advisable to have the council constituted by a system of election, the electorate for the various representatives would seem to be—

(*a*) for the land-holders either the district board or the body of zaildars for each district;

(*b*) for the native mercantile classes, the income tax-payers;

(*c*) for the lawyers, the pleaders of the 1st grade and advocates;

(*d*) for the educated classes the Fellows of the Punjab University, or perhaps graduates of at least five years' standing;

(*e*) for the commercial and capitalist interest, the managers of banks, the heads of large commercial concerns, etc., etc.

The functions of the Provincial Advisory Council might be—

(1) to elect the elected members of the Provincial Legislative Council;

(2) to elect members for the Imperial Advisory Council;

(3) to deliberate and advise on matters submitted to it by the Provincial Government. The deliberation should be collective.

III. (3) I have little to suggest except that the 7 elected members D (*b*) should be elected by the Imperial Advisory Council not by the Provincial Legislative Councils: so also should the 2 Muhammadans D (*d*) and the whole 9 should include—

(*a*) at least 3 Muhammadans;

(*b*) at least 3 Hindus;

(*c*) at least 2 Sikhs.

III. (4) I have already suggested that the Imperial Advisory Council should consist of members elected by the Provincial Advisory Councils and should in turn elect 9 members of the Imperial Legislative Council. As the provinces would be equally represented in the Imperial Advisory Council and interests in India are rather religious than territorial I do not think it necessary to make a further provision that one member should necessarily be from each province.

His Excellency the Viceroy would have the power of nominating 4 members to represent any provinces that might seem to lack representation.

III. (5) I think that the 7 representatives of the great land-owners should be nominated, but if elected I think that the electorate might be the body of the Provincial Darbaris, and that the representative might be one of their number.

III. (6) With my proposals nothing further would be necessary to secure the representation of Muhammadans.

IV. (7) The number might perhaps be increased to 13, *i.e.*, 12 and His Honour the Lieutenant-Governor; of these 3 should be elected by the Provincial Advisory Council—One Muhammadan, one Hindu, and one Sikh. Two should be nominated and 7 officials, also of course nominated.

IV. (9) Yes. Muhammadans, Hindus, and Sikhs should each have one representative, of the nominated members one at least should represent the mercantile and banking class.

IV. (10) No, I think election through municipal committees most undesirable. We have not as a rule a good class of men nor a representative class on these bodies.

District boards are better, but I do not see how a direct election of some 3 or 4 members for the whole province can be made by the district boards. Most of the members of these bodies would not know the candidate. I suggest the Provincial Advisory Council as the electorate: if any of the members of this last council be elected, the district boards might serve as electorates for representatives of their several districts.

IV. (11) The electorate for both district and municipal boards is too wide and the qualifications for membership too low. If we are to get a good class of men on these bodies we must raise considerably the qualifications of both members and elector. I think that as regards municipal committee the separate representation of classes is very necessary, and I would similarly have separate lists of voters so that each class should vote for its own representative. This is not so necessary in respect to district boards for which I would (as at present in this province) make a land-holding qualification essential in the case of both members and electors.

IV. (12) I think that the district boards and municipal board if improved as I have suggested would form the best district electorate.

V. (13) Yes.

V. (14) Yes. Yes.

V. (15) Yes.

C. H. ATKINS,

Deputy Commissioner, Ferozepore.

Dated 10th November 1907.

From—Mr. AHSAN-UL-HAQ, Bar.-at-Law, Jullundur City,

To—The Commissioner, Jullundur Division.

I beg to acknowledge the receipt of your letter of the 19th October 1907, and have the honour to forward to you my opinion on the proposals contained in the papers sent to me along with your letter.

AHSAN-UL-HAQ,

Bar.-at Law, Jullundur City.

I. (1) I am doubtful whether the Imperial Advisory Council, on the lines sketched out in paragraph 4, would be of much service to the country.

The ruling Chiefs are, as a rule, so ignorant of the affairs of their own States that it is rather difficult to believe that they shall be able to offer any intelligent and useful advice to the Viceroy on questions of vital importance. To take the case of the Punjab, almost all the present ruling Chiefs are hopeless administrators. Good management and proper administration wherever it exists is due more to the state officials than to the Chief, who in most cases is a passive agent for the expression of the views of his officials.

British India has undergone a change recently. New ideas and notions have sprung up and rights and concessions that were undreamed of by the past generation are being demanded by the present one. Reasonable and proper or otherwise as these demands may be, the fact remains that they require careful consideration, and that a person requires a thorough knowledge of the advance of the times to tackle them. Now the ruling Chiefs are, as a rule, the most conservative of the Indian conservatives in these matters, and it is unlikely whether these demands will ever receive a careful and impartial hearing from them. Nor do I think that the ruling Chiefs shall be able to appreciate the full significance of these demands.

As regards the territorial magnates, they are undoubtedly the natural leaders of the people and, although as a class they can scarcely be deemed competent and intelligent advisers, they have a great many men amongst them who could be consulted with advantage about questions of importance. Their opinions carry a great deal of weight with the general public, and the influence that they exercise among their poorer neighbours is decidedly greater than that of the so-called "leaders." There are some men of this class in whom the new education and old traditions have brought about a wholesome blending of thoughts and ideas, and their advice would go a long way to solve the present difficult situation.

Viewing the provisions of paragraph 5 generally I am inclined to think that the proposal of forming an Imperial Advisory Council does not improve the state of affairs, as defined in the beginning of paragraph 4, to any marked degree.

It only means the creation of an office that will no doubt carry a great deal of *izzat* with it, but not much more, and, at best, it only means the introduction of further red-tape in the machinery of Government.

Construed very liberally the provisions lay down nothing more than this that the Viceroy can consult a given number of people (selected by himself) whenever he likes, regardless of the importance of the question pending. He has been at liberty to do this informally so far as the paragraph confers no new rights upon him.

The magnates remain much in the same position. However strongly they might feel about certain questions, they are not to be allowed to say a word till their advice is sought, and when they are allowed to express an opinion it is not obligatory for the Viceroy to follow it.

I consider that in the absence of any provisions conferring better rights upon the Chiefs and magnates the proposals laid down in paragraphs 4 and 5 will not benefit the country materially. On the other hand, I am afraid, they will only raise a storm of ridicule and hostile criticism, and defeat the praiseworthy effort of Government by creating doubts about the *bonâ fides* of this step in the minds of the people.

The step contemplated in paragraphs 4 and 5 might incidentally elevate the character of the Chiefs and magnates, but that is another matter.

II. (2) Most of the remarks that I have made about the Imperial Advisory Council apply to these councils too. The wider range of selections in the case of these councils, however, will at least guarantee a more competent body of councillors.

The plan sketched out in paragraph 6, Government of India letter, and paragraph 4, Government of Punjab letter, is rather vague, and it is somewhat difficult to express an opinion about the usefulness of these councils till some idea is given of the number of representatives of the different professions who are to be selected.

I am alive to the difficulty of allotting the membership to the different professions and occupations, and consider that it would be rather unsafe to prescribe the numbers to be selected from the different professions. I must, however, observe that the prominence given to the land-holding class scarcely provides a remedy for the present difficult situation. The land-holders are certainly the natural leaders of the people, but I question whether they represent the ideas and the ever-growing ambitious notions of the people. Again, the field of selection amongst the land-holding class is so limited that Government could never reasonably hope to have more than 2 or 3 competent advisors out of the whole lot of them in the Punjab. What we ought to have in the Advisory Council for the Punjab is a class or set of people who are constantly in touch with the general public and can advise Government by laying the real ideas of the people before it.

At the same time I welcome this happy thought on the part of the Government. The so-called "leaders" of the Indian people are constantly airing the grievances of their fellow countrymen in the press and elsewhere. When we come to look closely into their grievances we find that they relate to a class of people that does not constitute even 1 per cent. of the Indian population. If I am not mistaken nearly 75 per cent. Indians subsist on cultivation, and yet, as far as I can remember, very few, if any, of the "leaders" have championed the cause of the cultivator. The cultivators in the Punjab are a very important factor of the Empire, providing as they do material for over half of the Indian army, and any proposals that secure a representation of this class in the Advisory Council is most welcome.

The standard set forth for the selection is somewhat high, and might be reduced with advantage.

The proposal, if carried out, will save Government from such unpleasant situations as was created recently by the passing of the Colonization Bill in the Punjab Legislative Council.

III (3). Yes. This step provides for a larger representation of Indians in the Council, and is most opportune.

I have no suggestions or modifications to offer as regards the scheme sketched out in paragraph 12, Government of India letter.

(4). Yes.

(5). Yes. He should either be selected by the land-holding members of the Provincial Advisory Council or selected by nomination from amongst the land-holders of the Province, including members and non-members of the Provincial Advisory Councils.

(6) Yes. Heads A, B, D (*a*), and F would absorb 32 seats (all non-Indians) out of the proposed 54. It is only fair and just that steps should be taken to ensure the proper representation of Muhammadans by setting apart at least 4 appointments for them out of the remaining 22.

Objections have been urged against this proposal by most Hindu papers. Other communities in minority have put forward their claims. To my mind these objections are unwarranted, for head E safeguards the interests of these claimants, *e.g.*, Parsis and Indian Christians.

As regards the election of these members, I agree with the proposals described in paragraph 18, Government of India letter.

IV. (7) Considering the general advancement of this Province the present number of members is inadequate, specially the non-official element.

If this council is to form a sort of electorate for the Imperial Legislative Council its number should be increased to ensure better selection.

I would advocate that this council should consist of at least 19 members, excluding His Honour the Lieutenant-Governor—10 official and 9 non-official.

(8) The present system of nomination is open to objections.

A Legislative body, to be useful, should consist of members of different and independent opinions so that when a question comes up for decision a careful consideration may be made of all its different aspects. Judging from the past the nomination system has not secured such members.

At the same time the present condition of the Punjab, which is likely to continue for some time yet, does not ensure a proper representation of all interests by election.

In my opinion it would be desirable if some of the non-official seats were filled by nomination and some by election.

(9) The rule determining the proportion of seats to be allotted should be elastic to a certain extent.

I have advocated in IV (7) that the number of the members of the Punjab Legislative Council should be increased to at least 19—10 official and 9 non-official.

Of the 9 non-officials 6 should be elected and 3 nominated.

The principal representative classes in the Punjab, taken in order of population, are—Muhammadans, Hindus, and Sikhs. I have not been able to find out the exact percentage of these classes to the total population, but judging from the old census reports it appears that the Muhammadans form about 52 per cent., Hindus abovt 32* per cent., and the Sikhs about 8 per cent. of the total population.

I would suggest that of the 6 elected members 3 should be Muhammadans, 2 Hindus, and 1 Sikh.

The elasticity that I advocated in the beginning of this answer can be maintained by reserving the filling of the 3 remaining seats by Government nomination. The claims of the minor communities would also be safeguarded by this means.

I have purposely abstained from apportioning the seats according to the educational qualifications of the different classes.

(10) I do not advocate the election of non-official members through the municipal boards and district boards.

The electorate should consist of Fellows of the University, barristers, pleaders, 1st class municipal commissioners, members of the district boards, zaildars, divisional darbaris, and persons paying tax for incomes over Rs. 1,000 a year.

This electorate can be sub-divided into three classes for the elections of the members of different religions, *i.e.*, Muhammadans, Hindus, and Sikhs.

(11) My answer is in the affirmative both as regards paragraph 22 (*b*) and 22 (*c*) subject to the additions that I have proposed in (10).

(12) I have already expressed my views about the separate representation of Muhammadans in the council.

I think it would be desirable to fill the seats allotted by nomination after consultation with the managing committees of the leading Muhammadan associations and institutions.

V. (13), (14), (15) I regret that owing to want of sufficient knowledge of the subject mentioned in the above questions I am unable to give an expression of my opinion. I have devoted some time to the study of the subject, but have failed to grasp it.

AHSAN-UL-HAQ,

Barrister-at-Law, Jullundur City.

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* The Hindu population is not really so great as appears at first sight. Sweepeers, Chamars, and other such castes are included in the Hindu population. As a matter of fact they have nothing to do with Hinduism.

Questions and answers in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

Question.	*Answer.*
I. (1) Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?	The appointment of an Imperial Advisory Council on the lines sketched out in Government of India letter, paragraph 4, will be of great service to the country. I would not suggest any alterations regarding its duties, but I venture to state that the constitution of the council should be so modified that besides the ruling Chiefs and territorial magnates of every province, the council should have a number of men of the middle classes representing trade, professions, industries, &c.

Unless we have men of the latter class, the real object of the Advisory Council will not at all be achieved.

The object of the establishment of this Advisory Council is to enable the Government to know the views of the people as regards matters affecting the welfare of different classes living in India, and that any sort of misrepresentations or false impressions which may in any way be created on the minds of the people by false rumours or mischief-mongers may be removed, and that the members of the council so consulted may be able to disseminate the views of the Government among the people and also place the Government in possession of true information regarding any questions of importance that may be before the Government.

In my opinion this object can be best attained by having some men on the council who may be in touch with the people and who may have the opportunities of finding out the views of the people on a special subject or on a particular occasion.

As the matters now stand there are very few ruling Chiefs, Sardars, or territorial magnates, who can have or care to have an opportunity of seeing the people and of getting a genuine idea about their views on a given question.

The information which such people get is either through the agency of newspapers or their servants and hangers-on, and which cannot in a majority of cases be relied upon. The object of the Government in constituting the council seems to be to have a class of people who may help the Government with their advice and try to remove any popular misunderstanding on a particular point by putting the views of the Government before the people.

Ruling Chiefs and territorial magnates will hardly be persons who would be of much substantial help in the attainment of the very laudable object which these councils are intended to accomplish. I will therefore suggest that there should be at least two men of sufficient status, position, and intelligence from each province to represent the interests of trade, industry, and professions on the council.

II. (2) Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposals made above on paragraph 6 of the Government of India letter regarding its constitution and duties?

Yes, the Provincial Advisory Council will also be very useful, and I have no other suggestions to make in addition to those mentioned in the Government letter.

III. (3) Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

The enlargement of the Imperial Legislative Council is absolutely necessary so that the interests of the different classes, creeds, and professions may be adequately represented on the highest Legislative body of the land.

It is necessary that all available intellect of the country may be utilized while laws which are to govern the people are being discussed.

The scheme sketched out in paragraph 12 of the Government of India letter is one which in the main is not open to objection, but I would certainly object to a particular class being specially favoured.

It is against the principles of British Government to favour any particular class or individual at the sacrifice of another. There is absolutely no reason why Muhammadans as a class should have a special and additional privilege of electing two men to the Imperial Council. If any special services may be considered as the basis of the concession, why are not Sikhs, who are really the fighting power of the Government, given the same privilege. If the fact of the Muhammandan minority as a class, as compared with other classes, be the consideration for a special advantage being given to them then there are other classes who deserve this favour in a higher degree, *i.e.*, Sikhs and Christians. If want of education be the ground for this special privilege the Sikhs cannot be said to be in a better position.

Their case is rather worse. Though Muhammadans as a class as compared with the Hindus are backward in education, still they have in recent years made a great progress, and with the special facilities given to them in that direction, they are sure to make a steady progress. If demand for extension of the councils be considered as the criterion, then Hindus have been trying hard for it since a long time, and Muhammadans have, as a class, either remained neutral or were to some extent against it. On principles of fairness and justice there is absolutely no reason why one class should have a special privilege, while in point of fitness for the post other classes can beat the Muhammadans far behind in the field.

I would therefore make this modification that I would remove sub-clause (*d*) in clause D in paragraph 12 of the Government of India letter, and would make the figure 6 instead of 4 as it now stands in clause E and would remove the words "*not less than two to be Muhammandans*" from the said clause. This would place all classes on an equal footing and give them the chances of winning the post by ability, intelligence, and capacity for work. In my humble opinion the principle "*fair*

field and no favour" ought to apply. If Muhammadans want to get a stronger representation on the council than their brethren of the other classes then they should try to improve themselves and gain the object by their own exertions.

(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter?

Yes. This is what is actually desirable, and it would enable the people of all Provinces to gain an advantage of the representation of their Provincial Council on the Imperial one.

(5) Do you approve of the selection of one of the great land-owners of this Province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?

I approve of the selection of one of the great land-owners of the Punjab to the Imperial Council, and that in my opinion may be done by nomination by the Government of India of the representative of the land-holders to the Imperial Council from amongst the land-holding members of the Provincial Council; but if election is to be resorted to, then the electorate should be the land-holding members of the provincial Council alone, and a general election of such a member by the land-holding classes of the country will be a thing quite unworkable and at the same time unsatisfactory.

(6) Do you approve of the proposed appointment of 4 Muhammandans to the Imperial Council, 2 by election and 2 at least by nomination as suggested under heads D (*d*) and E of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter?

No, I have given my reasons in my reply to question III (3), but if any election is to be made, I would suggest that the electorate should be composed—

(*a*) of the Muhammadan members of the Provincial Council,

(*b*) the Muhammadan Fellows of the Punjab University.

IV. (7) *The Punjab Provincial Legislative Council.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

I would propose an increase in the Punjab Legislative Council, and would suggest the number to be 25.

(8) Would you maintain the present system of nomination, or would you have any or all of the unofficial seats filled by election?

I would prefer the system of election as being a step in obtaining the best possible help from the available intellect, fitness, and experience of the Province, and would suggest that all non-official seats to the Provincial Council to be filled by election so as to enable all classes, races, and interests to be properly represented, subject of course in all cases to the condition that an official majority is maintained.

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter), and, if so, what classes do you consider should be represented and in what proportions?

I would not suggest any fixed rule determining the proportion of seats to be allotted to each class, but if that is to be adopted in any case, I would suggest the representation of the following classes and in the following proportions:—

Hindus . . .	. 2 seats.
Muhammadans . . .	. 2 ,,
Sikhs . . .	. 1 seat.
Christians . . .	. 1 ,,
Trade . . .	. 1 ,,
Professions . . .	. 1 ,,
TOTAL . .	. 8 seats.

The remaining 17 seats may, in my opinion, be filled up as follows:—

(1) Lieutenant-Governor .	1
(2) Financial Commissioner, Legal Remembrancer, Settlement Commissioner . .	3
(3) Nominated members .	13
TOTAL .	17

(10) If election is resorted to for the appointment of all or any of the non-official members would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorate would you suggest?

I would prefer election by the municipal and district boards to any other form of election. Almost all the leading men of the towns and the district have seats on these boards, and an election from amongst them, so far as the first 6 seats for Hindus, Muhammadans, Sikhs, and Christians are concerned, would, in my opinion, be the best and simplest electorate.

In the remaining two seats for trade and professions, I would suggest that Chambers of Commerce or Trades Associations wherever they exist may be called upon to elect one member for a seat to represent their interest in the Provincial Council, while for the seat for the professions I would suggest that the best way would be to ask the University to elect one member out of their Fellows.

As regards election by the district and municipal boards, I would suggest that for the purposes of election, the whole Province should be divided into six sections representing the six revenue divisions and one division should elect one member out of the municipal committees of headquarters of the district and the district boards.

(11) If you advocate separate representation of classes as proposed in paragraph 22 (4) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*) and would you suggest any corresponding changes in the constitution of the municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

I do not advocate any separate representation by classes at all, but if that is done, I would not carry it out in the manner proposed in paragraph 22 (*b*) and would not agree to any nomination by Government after consulting the Anjumans and panchayats and other bodies. It is absolutely necessary that there should be changes in the constitution of the municipal and district boards, but not in the manner indicated in paragraph 22 (*c*) of the Government of India letter. I would not advocate the introduction into the boards of the system of election and nomination by assigning a fixed number of seats to each of the leading classes of the population by race, caste, or religion, but would leave the present system of election and nomination unaltered. I would particularly suggest that the qualifications of the candidates for a seat in the municipal or district boards should be considerably raised.

For instance in the case of a land-holder he should be paying a considerable sum not less than Rs. 50 per annum as Government revenue.

In case of a trader his income should not be less than Rs. 40 per month.

In case of other persons the property immovable should be such as would bring him a rent of Rs. 50 a month.

For other persons who do not fall under one or other of the above classes, it is necessary that the candidate should be a graduate of some University.

(12) If you think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you suggest?

I would not advise that there need any provisions be made for the separate representation of Muhammadans in addition to those open to them by nomination or election in the ordinary way, and would not suggest any form of election for that purpose.

(13) Do you consider that the system of discussing the budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

Yes.

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

The Provincial Budget should in my opinion be discussed in the Punjab Legislative Council, and it should be discussed by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) Do you advocate the introduction into Punjab Legislative Council of the power of interpellation by members?

I would certainly advocate the introduction into the Punjab Legislative Council of the power of interpellation by members because in most cases it leads to very useful results.

DEVI CHAND,

Pleader, Jullundur City.

12th November 1907.

Dated Jullundur City, 14th November 1907.

From—PANDIT AMAR SINGH, Pleader, Jullundur City,

To—The Commissioner, Jullundur Division.

In reply to your circular no. 168—3519, dated the 19th October last, I have the honour to submit my opinion on the proposals contained in the papers forwarded to me therewith.

2. *Advisory Councils.*—The principal object in view in organising the Advisory Councils is certainly laudable, and as regards this there can be no difference of opinion. The further object to be kept in view is to see whether the end in view and the proposals made are compatible and consistent with each other.

3. I think the scheme of Advisory Councils is based on the misconception that ruling Chiefs, territorial magnates, and so forth are the leaders of the people in their capacity as such, that they know the needs and sentiments of the people, and are acquainted with their daily life. Over India has come a change so sweeping that the hereditary gods are displaced from their pedestal. The people know full well the position of the Chiefs and magnates in the State. Their own demoralization and apathy towards the people have driven them out of the hearts of the people. I quite agree with Hon'ble Sardar Partap Singh in his estimation of the so-called Indian aristocracy. He writes:—"I may be excused for remarking that it (aristocracy) is far below the standard it is expected to occupy. The middle classes and masses consider them to be dullards and dissipated

imbeciles, and therefore do not reckon them as their leaders of thought and action. I must painfully acknowledge that there is a great deal of truth in this statement of them." He remarks further:—

> "It is a regrettable circumstance that in all movements in which the public is concerned and which emanate from the Government the aristocracy has more or less share of co-operation, but in popular movements they are absolutely left in the back-ground, for the obvious reasons that they are too weak internally to exercise any influence over the public generally."—*C. & M. Gazette*—1-11-06.

4. I may say in a few words that the Chiefs and magnates, with a few honourable exceptions, are looked down by the people, and the feelings of contempt for them are growing rapidly. Such men should not be supposed to be the leaders of progressive India. They are unable to give expression to the needs and sentiments of the people or to make motives and measures of the Government generally understood. They themselves are understood not to be free agents in their actions or expression of opinion. The wholesale system of nomination would make them resort more and more to sycophancy and lower them still further in the eyes of the people. They would not be able to withstand the press interviews and other like intrusions on the secrecy which may be entrusted to them by the Government, and thus they may be the means of spreading incorrect information. An Advisory Council of such men only is inconsistent with the principal object in view.

5. The nomination rule, want of formal powers of any sort, and lack of legislative recognition counteract the usefulness of the institution. Furthermore the consultation and consideration of opinion given being optional with the Government the measure is not likely to give the advisers any greater sense of responsibility. The opinion will be as lightly given as it will be sought.

6. The inclusion of the educated element appears not to have been taken into consideration. This fact will give rise to certain misgivings in the mind of the people. They would think, and rightly so, that the Government have organised such a body to carry out arbitrary measures in the teeth of popular opposition with their help and then turn round and say whatever is done is done with the consensus of opinion of the Indian people. I think the inclusion of educated men of suitable position, who in this age may be said, without fear of contradiction, to be the true leaders of the people, will help to make the Advisory Council really useful to the country.

7. I am impressed with the usefulness of the Advisory Councils, but I fear the lines proposed would not lead to the end in view. In the light of my above remarks I humbly suggest some alterations in the proposals made in paragraph 5 of the Government of India letter.

8. The proposals as altered will be somewhat on the following lines:—

(1) That a Council to be called "The Imperial Advisory Council" should be formed for consultative as well as advisory purposes on all matters respecting welfare of India.

(2) That one-third of the members should be nominated by the Viceroy; (*ii*) one-third to be elected by the ruling Chiefs and magnates, not so nominated out of their own number; (*iii*) the remaining one-third to be elected by the nominees of the Viceroy and the other elected members. That members should receive the title of Imperial Councillors.

(3) That the council should consist of about 60 members for the whole of India, including 40 ruling Chiefs and territorial magnates and 20 experts, Judges of the Chief Court of the Punjab and different High Courts, and Hon'ble Members of Legislative Councils of whom taken together not less than three-fourths shall be Indians.

(4) That the members should hold office for a substantial term, say, for five years, and should be eligible for reappointment.

(5) That the council should receive no legislative recognition and should be vested with power necessary to the attainment of its purpose.

(6) That its functions should be advisory as well as consultative on all matters respecting welfare of India.

(7) That the proceedings of the council should be published. That the Government would be at liberty to prohibit publication of any matter specifically referred by them to the council. That there should be collective deliberation and not individual consultation.

9. My remarks apply to Imperial as well as Provincial Advisory Councils. I think the same principle applies to both. The Provincial Councils may be formed as indicated above.

10. *Enlargement of the Legislative Councils.*—The enlargement of the Legislative Councils as proposed entails the enlargement of the existing defects and the addition of fresh ones. The standing official majority has been a sore point, and as long as this is

maintained, there cannot be any representation of the Indian people. At present the representation of the people simply amounts to permission to enter the Council Hall and amuse the audience with fine orations. The people can on no account make themselves heard. As the Government have declared this question not open to discussion, I would ask the Government so to frame proposals for the enlargement of the Legislative Councils as to minimize the effect of standing majority.

11. The first, the foremost, and the most regrettable innovation the measure tends to make is the acceptance of the principle of granting enfranchisement on the basis of beliefs and traditions. The racial questions now rampant in the country and so violently convulsing the Indian community shall, in future, fetch their first head and spring from this principle. Under its pressure the Hindu-Muhammadan question, already expanded into Hindu-Muhammadan-Sikh question, shall assume the gigantic form of Hindu, Muhammadan, Sikh, Rajput, and Mahratta question. The racial question, to the misfortune of India, will go on adding names of communities to it and as many difficulties to confront the Government. The virulence of racial questions shall tempt the Government to resort to favouritism now towards one community and again towards the other. The policy of favouritism shall be the precursor of wide-spread discontent in the country. In that case the Government, with all the up-to-date destructive art at their command, would find it an impossibility to hold down so many millions of discontented people with Japan, China, and Russia as neighbours.

12. The proposal is innovative in another respect. The partiality to Muhammadans stands out in bold relief. No amount of emphatic assurances will do to persuade other communities to believe the country. There are other communities in minority more important than Muhammadans. The Mahrattas and Sikhs are the immediate predecessors of the British in India. There is no reason why they should not receive the same consideration at the hands of the Government. I wish to say with due reserve, but I am bound to say that the Government have long been suspected of acting on the policy of *divide et impera*, and a section of the community, beneficially affected by the measure, look upon the measure with diffidence. *Musalman* of Calcutta writes:—" But however much the principle is appreciated by the Musalmans they at least, a section of the community, doubt the sincerity of the Government in so suddenly recognising their just claims and special interests when the political atmosphere is so tempestuous. It may be a mere dodge played with a view to dissuade the community from joining the popular cause. If it be so, and if it produces the desired effect, then it must be considered as mischievous. But it cannot be productive of any mischief if we Musalmans are not carried away by the idea that the Government is overflowing kindness for us, and that we should not, therefore, do anything in furtherance of our national cause that may be detestable to our alien masters whose national interests and ours *are* quite conflicting. It is hoped, however, that this dodge, if it be any dodge at all, will not deter us from making common cause with our advanced fellow countrymen, for the regeneration of our common motherland."

The undue bias towards the Muhammadans have rendered the scheme of the enlargement of the Legislative Councils inapplicable to whole of India.

The Hindus are in minority in the Punjab and Eastern Bengal. No provision is made to protect the Hindu minority in those provinces. In consequence of this undue favour, Muhammadans will get a majority of non-official members in the Punjab Provincial Councils, and they will always return a Muhammadan to the Imperial Council. The second member is to be returned exclusively by Muhammadans. The third one, a big landlord, must also be a Muhammadan, as in the Punjab Muhammadan land-owners are in majority in the ratio of 26 to 18. This way all the members of the Imperial Council from the Punjab will be Muhammadans. Thus as far as the Punjab is concerned Hindus are nowhere. The number of Muhammadans in the Imperial Council will be out of all proportion. As the scheme stands, the number of Muhammadans in the Imperial Council will come up to 9 under head D. and E., *i.e.*, 3 for the Punjab, 2 (at least) for Eastern Bengal and Assam, 2 by election exclusively by that community, and 2 by nomination by the Viceroy.

The proposals for enlargement of the Legislative Councils requires further consideration at the hands of the Government, and I am unable to approve of them as they stand.

13. Briefly my reply to the questions forwarded to me is as follows:—

I. (1) I do not consider that an Imperial Advisory Council on the lines suggested would be of any service to the country. I have suggested alterations—*vide* paragraph 7 of this letter.

II. (2) Ditto ditto ditto.

III. (3) I do approve of the enlargement of the Council, provided the existing defect (standing official majority) is minimized and fresh defects are not allowed to creep in.

(4) Yes.

(5) Yes. In the case of this Province I would suggest the system of nomination. Nominees to be selected from different communities turn by turn.

(6) Regret I do not approve.

IV. (7) Yes. The numbers of members must be at least 20, including His Honour the Lieutenant-Governor.

(8) I would have all unofficial seats filled by election.

(9) No.

(10) I would advocate election through district or municipal boards as well as through University and Chamber of Commerce and the like institutions.

The election to the Provincial Council should not be based on the beliefs and traditions of the people.

(11) No.

(12) No.

V. (13) Yes.

(14) Yes.

(15) Yes.

AMAR SINGH, *Pleader,*
Jullundur City.

ANSWERS.

(1) I consider that an Imperial Advisory Council on the lines sketched out in paragraphs 4 and 5 of the Government of India letter would be of service to the country.

(2) The Provincial Advisory Council would be a useful institution. The only modification which I would submit in paragraph 6 of the Government letter regarding its constitution and duties is that the University of the Province should be represented in its Provincial Advisory Council.

(3) I approve of an enlargement of the Imperial Legislative Council. But I have to suggest that the right of representation should be conferred on the Indian Universities also on the same lines as the English Universities are represented in the House of Commons. In order to make the Imperial Legislative Council more useful all the important different communities should be represented in the council, and the representation should be proportionate to the numerical strength of the community.

(4) I approve of the proposal as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great landlords of this Province to the Imperial Legislative Council. A representation of the landlords should be selected to the Imperial Council by the land-holding members of the Provincial Council from among the land-holders paying the amount of land revenue that may be fixed as giving the right to vote.

(6) Please see answer no. 3.

As for the selection of the Muhammadan members for the Imperial Council I would recommend that the elected members should be elected by the Muhammadan members of the Provincial Council.

(7) I would advocate an increase in the present number of members of Provincial Legislative Council in the Punjab.

The number of members should range from 12 to 25.

(8) I approve of the system which now prevails in Madras, Bombay, and Bengal to be introduced with some necessary modifications in the Province.

(9) Please *vide* answers 3 and 7.

(10) Please *vide* answer 8.

(11) I approve of the class representation and also approve the procedure in the manner proposed in paragraph 22 (*b*) and 22 (*c*).

(13) I consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23.

(14) I approve that the system of discussion of the Budget should be introduced in the Punjab Legislative Council also,

As to the part II please *vide* no. 13.

(15) I approve that the power of interpellation with some restrictions should be introduced in the Punjab Legislative Council.

SHADI RAM, B.A., LL.B., (Cantab.),
Barrister-at-Law, Ludhiana.

Translation of the opinion expressed by Rai Wazir Khan of Bhangala in the Hoshiarpur District.

I. In my opinion the constitution of an Imperial Advisory Council is much useful for the good of the country, and the suggestions made in paragraph 5 of the Government of India letter as to the constitution and purposes of the council are correct; but it is very necessary that the number of the members of it should be fixed with regard to population and the religion of the people.

II. The constitution of a Provincial Council is beneficial and the Council should be quite in accordance with the principle laid down in paragraph 6 of the Government of India letter.

III. It is very necessary to enlarge the Imperial Legislative Council, and the scheme sketched out as to it in paragraph 12 of the Government of India letter is correct, but the number of the members of it should be fixed with regard to population and the religion of the people, as it would be satisfactory.

IV. Of course the members should be selected by the Provincial Legislative Council as mentioned in detail in paragraph 13 of the Governmnt of India letter.

V. It is advisable that one of the great land-owners of this Province should be elected as a member of the Imperial Council. The mode of election should be that the zamindars should themselves elect their representative with regard to educational qualifications and abilities, due regard being had to the amount of revenue paid.

VI. The suggestion of the Government of India that 4 Muhammadans should be appointed to the Imperial Council, 2 by election and at least by nomination, is very proper. The appointment of elected members should be in the hands of such persons as are mentioned in the 3 clauses of paragraph 18 of the Government of India.

VII. The number of the members of the Punjab Legislative Council should be increased to a figure which may be considered proper by the Government.

VIII. The present system of nomination is not right. All the non-official seats should be filled by election.

IX. In every case the seats to be allotted to each class should be fixed with regard to population and religion, as no class will thus have any opportunity of complaining. This is a principle of equality and real proportion.

X. Election should be resorted to for the appointment of all unofficial members through the following persons:—

(1) Educated persons of the great land-owners.

(2) Educated persons of the large tax-payers.

(3) Graduates of the Universities.

XI. I like the representation of all classes separately in the way stated above in reply to question X.

XII. Provision should be made for the separate representation of Muhammadans in addition to that open to them in the ordinary way. It should be by election, but the electors should be a body of educated Muhammadans.

XIII. The discussion of the budget in the Legislative Council in the manner suggested in paragraph 23 of the Government of India letter is very proper, as it will afford full time and opportunity.

XIV. I consider that it is proper to discuss the Provincial Budget in the Punjab Legislative Council by separate heads in the manner given in paragraph 23 of the Government of India letter.

XV. The members of the Punjab Legislative Council should have the power of interpellation.

WAZIR KHAN,
Rais of Bhangala, Hoshiarpur District.

Dated Jullundur, 14th November 1907.

From—Mr. Bhagat Ram, Barrister-at-Law, Jullundur City,

To—The Commissioner Jullundur Division.

I have the honour to acknowledge with thanks the receipt of your office circular no. 168—3519, dated the 19th October 1907, inviting my opinion on the proposals of the Government of India for the establishment of Advisory Councils, both Imperial and Provincial, and for the enlargement of the Imperial and Provincial Councils.

I have no doubt that the people will feel highly grateful to the Government for the solicitude which it has evinced for gaining a close insight into the views of the people, with the object of the better administration of the country. Taken generally the proposals in question constitute a distinct step in advance, and I am disposed to welcome proposals which would afford more frequent opportunities of mutual consultations and exchanging confidences between Government and the representative men among the people.

Measures, inaugurated by the Government with the best of intentions, are often opposed because its motives are misunderstood, with the deplorable result that the progress of the country is retarded.

2. As desired by Mr. Maclagan I would offer my views on the points under discussion in the order in which they have been formulated in questions appended to the Punjab Government letter.

I. (1) *Imperial Advisory Council.*—As stated above in paragraph 1, I am of opinion that Advisory Councils properly constituted would be a great boon to the country. But I have great doubt, as to whether the councils sketched out in paragraph 4 of Sir Harold Stuart's letter, dated 24th August 1907, would be of any service to Government or the people.

The main objects the Government of India have in view are—

(*a*) The association of the Indian Chiefs and territorial magnates in the guardianship of the common and Imperial interest of the country.

(*b*) The diffusion of correct information upon acts, intentions, and objects of Government among the people.

I am of opinion that the association of the Chiefs and territorial magnates in the discussion of questions concerning the people of the country in general will certainly have a beneficial effect in creating a harmonious working throughout the whole of the country, and will undoubtedly tend to improve the conditions of the subjects of most of the Native States, though the constitution and status accorded to the councillors can hardly be said to be a step towards their association with the Government. But I have not the least hesitation in saying that the councils as proposed will fail, in what I consider to be their most important function, *viz.*, the diffusion of correct information as to the motives of Government among the people.

I do not think, as some would have us believe, that Indian Chiefs and men of position are all, as a class, unworthy of being consulted in matters of the State, for among their number there are a good many who are entitled to the great esteem of their countrymen, on account of their high intellect and noble virtues as men and as rulers of their subjects. Unfortunately, however, it cannot be denied that the majority of the Indian Chiefs and the territorial magnates are as much, if not more, out of touch with the people as most of the European officials.

Besides the rigid rules and systems, which bound together the men of a class, have all given way before the advance of Western education, and the former hold, which the chieftains had upon the people, is entirely gone.

The middle and the poorer classes have taken full advantage of the opportunities, which the British Raj afforded them, for bettering their position, but the hereditary nobility and aristocracy have lagged behind in the race for culture and progress, intellectual as well as moral.

Thus it is no wonder that the territorial magnates have to a large extent ceased to occupy the high place as leaders of the people which the accident of birth had given to them.

The people at large are not disposed to recognise the claims to leadership of a class whose only merit is the ownership of a certain amount of property, but regard culture a claim for it.

My conviction is that Advisory Councils formed as suggested in the Government of India letter will not engender that confidence which they should have in order to be of any utility.

I am certain that the Chiefs and territorial magnates will not represent any other class but their own; for the interests of the petty land-owners and those of the tenants could not be safely left to their care, as they might in many instances clash with their own, leaving aside altogether the educated class, which to a great extent is influencing the future of the country.

Regarding the proposal (7), paragraph 5, of Sir Harold Stuart's letter, I am of opinion that the objects aimed at by the formation of these councils will not be attained, if the proceedings of the councils are not given publicity.

In treating the opinions of councillors as confidential the Government will afford the critics of the council a weapon which would effectually be used in undermining its influence as well as usefulness. Besides, I regret to say that I do not believe that confidential communications will secure frank expression of opinion.

I am firmly of conviction that no Advisory Council will prove useful, unless men of all shades of opinion are allowed to partake in its deliberations; a council consisting exclusively of ruling Chiefs and territorial magnates will not command to that extent that it should the respect of the people, especially the educated classes of the country. I do not think it would be difficult for the Government to find men of education and culture suitable for nomination to the Advisory Councils, outside the ranks of territorial magnates; men, who in social status and in their influence over the country men, are inferior to no territorial magnate in the land.

The inclusion of a few such men will be a long way to disarm adverse criticism. I am urged to press this view by the fact, that the educated classes have not taken kindly to the proposals of the formation of the Advisory Council, and some men go to the length of saying that these councils are likely to be used as shields, for unpopular measures, by the authorities.

II. (2) A *Provincial Advisory Council*.—A Provincial Advisory Council can be a useful institution, if conducted on the lines suggested above with regard to the Imperial Council.

III. (3) I approve of the enlargement of the Imperial Legislative Council.

I have no suggestions to make regarding points (1) and (2) of paragraph 12 of Sir Harold Stuart's letter and also as regards A., B., C. of the same paragraph, but I am opposed to 2 seats being reserved for Muhammadans under (*d*) D and 2 under clause E.

(4) I approve of the proposal of electing one member by the Provincial Council to the Imperial Legislative Council.

(5) I am not opposed to the selection of one of the great land-owners of the Province to the Imperial Council. Though I would vote for election, but I am aware of the difficulties, which election of one member from the whole Province involves and, for that reason, I think it will be better if a land-owner is nominated by the Government.

(6) Under the head (*d*) of D I would not have any members elected by Muhammadans, nor do I approve of the nomination of two Muhammadans under E. I see no reason why special advantages should be secured to any particular community.

We allow Muhammadans to take part in electing members like all other communities, and I fail to see any particular interest of that community, which is specially to be safeguarded. On principle I am opposed to creed or class representations in the Legislative Councils, and four seats out of a small number of seats will form an undue preponderance of one community, creating as it would invidious distinction, which doubtless will be resented by other communities. The constitution, sketched out by Sir Harold Stuart in paragraph 12 of his letter, is much too favourable to the Muhammadan community, and I would be sorry to see the impressions strengthened in the minds of the Hindus that at their expense the followers of Islam are unduly favoured by the Government.

If the proposal of electing two members under (*d*) D is decided upon by the Government then I would suggest that such members be elected by an electorate, as suggested in paragraph 17 of Sir Harold Stuart's letter, but if that be not found feasible then by the Muhammadan members of the Provincial Council.

IV. (7) *Provincial Legislative Council in the Punjab*.—I would advocate an increase in the present number of members, and would raise the total strength to 30.

(8) I am in favour of having all the non-official members elected.

(9) This question has already been answered in paragraph (6).

(10) I would suggest the following electorate:—

1. The municipal committees of the Punjab	1
2. The district boards of the Punjab	1
3. All graduates of 5 years' standing of any Indian University	1
4. Every Revenue division in the Punjab to elect 2 members, leaving a majority of 4 of official members.	

(11) I would suggest no change in the constitution of the municipal and district boards.

(12) I would adopt the electorate suggested in paragraph 17 of Government of India letter.

V. (13) I approve of the discussion of the Budget under separate heads as suggested in paragraph 23 in the Government of India letter.

(14) I would suggest that the Budget should be discussed in the Punjab Council only if the system of election is introduced.

(15) I would advocate the introduction of the right of interpellation in the Punjab Council.

BHAGAT RAM,

Barrister-at-Law, Jullundur City.

Translation of the replies sent by Rana Lehna Singh of Manaswal in the Hoshiarpur District.

I. (1) There is need of such an Imperial Council for the country. I concur with the proposals made in paragraph 5 of the letter.

II. (2) A Provincial Advisory Council is necessary for every Province, and I agree with the proposals, regarding its constitution and duties, made in paragraph 6 of the Government letter.

III. (3) The Imperial Legislative Council requires enlargement, and I concur with the scheme sketched out in paragraph 12 of the Government of India letter.

(4) I approve that one member should be elected as proposed in paragraph 13 of the letter.

(5) A great land-owner paying Rs. 2,000 revenue should be selected by election.

(6) The four Muhammadan members of the Imperial Council should be appointed by election.

IV. (7) The number of the members of the Provincial Legislative Council in the Punjab should be increased; and the members of every class and body should be selected with regard to position and abilities.

(8) Some offices should be filled by nomination and some by election.

(9) In every case the proportion of officers for every class should be fixed on a fixed rule.

(10) If election is resorted to for the appointment of all or any of the unofficial members it should be through district boards, having regard to abilities.

(11) As suggested in paragraph 22 (*c*) of the Government of India letter, the great land-owners paying Rs. 2,000 Government revenue and money-lenders and traders paying an income-tax of Rs. 500 should be elected.

(12) The separate representation of Muhammadans should be by election in the form suggested in paragraph 17 of the Government of India letter.

V. (13) I agree that the discussion of the Budget in the Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) The Provincial Budget should be discused in the Punjab Legislative Council by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) It is proper to introduce into the Punjab Legislative Council the power of interpellation by members, for a correct conclusion cannot be drawn until every point is discussed by putting questions. Hence every matter should be decided in accordance with the majority of votes.

LEHNA SINGH,

Rais of Manaswal, District Hoshiarpur.

Dated Hoshiarpur, 26th November 1907.

From—RAI BAHADUR SHAM DAS, Government Pleader, and Vice-President, Municipal Committee, Hoshiarpur,

To—The Commissioner, Jullundur Division.

In obedience to your circular no. 172—3541, dated the 22nd October 1907, I beg to submit herewith my answers to questions on the subject of reformed councils.

I further beg to be excused for not being able to comply with your orders within the time fixed owing to sudden rush of criminal cases which did not admit of sufficient time for this purpose.

SHAM DAS,

Government Pleader, Hoshiarpur.

Answers to questions in connection with Government of India letter no. 2310—2317, *dated* 24*th August* 1907, *on the subject of reformed councils.*

Question I.—(1) Such a council would, in my humble opinion, prove of immense service to the country, but I would respectfully suggest the following modifications and alterations in the proposals contained in paragraph 5 of Government of India letter.

Paragraph 5.—(3) (*a*) The number of ruling Chiefs may be reduced to ten and they must be selected from among men who have had the benefit of the high English education as well as actual administrative experience as ruling Chiefs for at least five years, and who have by their high abilities, both educational and administrative, proved their fitness for such a post of trust and responsibility.

(*b*) That the selection of territorial magnates be not confined to merely land-holding or any other class, but should be extended to people of all classes and creeds, the necessary qualification being the ability and capacity for proper discharge of the duties required of a councillor. The men should especially be selected from the trading and legal professions who alone have real touch with the general masses and are considered the best medium for voicing the public opinion, being fully conversant with the general condition and grievances of the masses.

Paragraph 5.—(7) The proceedings may be confidential, but the council should in each and every matter be consulted collectively and individual opinion wholly disregarded. The consultation must be held in a meeting with due deliberations and free and open discussions and the decisions arrived at communicated to Government.

Question II.—(2) There can be no doubt that a Provincial Advisory Council would be a very useful institution, but I think the constitution should be so arranged as to admit of the members of each Provincial Council to act as members of the Imperial Council at one and the same time. The number of members of the Imperial Council should be so fixed as to leave margin for a sufficient number of additional members other than the members of a Provincial Council: for instance, of the sixty members twenty should be such who may not be members of any Provincial Council, while the other forty should be members of the Provincial Councils.

The constitution and duties of these councils should be in accordance with the constitution and duties of the Imperial Council, and the selection should be so arranged as to represent deserving people of all classes (including land-holding, trading, and professional).

Question III.—(3) I approve of the enlargement of the Imperial Legislative Council, but beg to suggest the following modifications in the scheme sketched out in paragraph 12 of the Government of India letter:—

(*a*) No provision has been made in the scheme proposed to represent the interests of education which is hardly justified. The Indian Universities must be allowed the privilege of representing the educational interest in the Imperial Legislative Council, and each University may be allowed one representative at least.

(*b*) To adequately represent the commercial and industrial interests of provinces other than Calcutta and Bombay the number of commercial members should be raised. In my humble opinion these interests would be sufficiently represented if the number of commercial members is raised to five by allowing the commercial and industrial classes of the Madras, Punjab, and the United Provinces to send one representative each.

(*c*) I do not at all approve of the idea of giving the special privileges as proposed in paragraph 12 of the Government of India letter.

(4) Yes. I approve of the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-owners of this Province to the Imperial Council, and I don't think that in this case election will succeed. Nomination would be the best method of selection.

(6) I do not approve of the suggestions made under heads D (*d*) and E of paragraph 12 of the Government of India letter.

In my humble opinion no special concession or privilege should be given to any community of His Majesty's Indian subjects by reason of differences of religion or creed. This policy would be open to very serious objections, and would likely lead to unpleasant jealousies.

Question IV.—(7) I would certainly advocate an increase in the present number of members of the Provincial Legislative Council in the Punjab to at least 20.

(8) I would suggest that at least half of the non-official seats be filled in by election.

(9) In my humble opinion seats to Hindus, Sikhs, and Muhammadans should be allotted in proportion to their population in the Province as is the case in certain municipalities, for instance, Hoshiarpur.

(10) I would suggest the following electorates:—

(*a*) Municipalities.

(*b*) District boards.

(*c*) Commercial and industrial classes.

(*d*) Universities.

(*e*) Educated classes.

(11) I approve of the suggestions made in paragraph 22 (*b*) and (*c*) of the Government of India letter.

(12) I don't think there is any pressing necessity for making a provision for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way.

Question V.—(13) Yes, the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes, I think the Provincial Budget should be discussed in the Punjab Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

(15) Yes, I certainly advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

SHAM DAS, *Rai Bahadur,*

Government Pleader and Vice-President,

Municipal Committee, Hoshiarpur.

Dated Ludhiana, 22nd November 1907.

From—Muhammad Hassan, President, Anjuman Islamia, Ludhiana,

To—The Commissioner, Jullundur Division.

I most respectfully beg to submit herewith the opinion of the Anjuman Islamia, Ludhiana, regarding the measures proposed by the Government of India for giving the people of India wider opportunities for expressing their views on administrative matters, as requested in your circular no. 172—3541, dated 22nd ultimo.

MUHAMMAD HASSAN,

President, Anjuman Islamia, Ludhiana.

Translation of the opinion of the Anjuman Islamia, Ludhiana, submitted by Muhammad Hassan, President of the Anjuman.

I. (1) So far as the answer to this question can be found from the history of India it is nothing except that such an Advisory Council would be of much service to the country. To find out whether such an Advisory Council existed in India or not and how its results proved to be for the Government and the people of this large country, though not easy and certain, as the incontinuous state of the past history has not left any such opportunity for a historian, but so far as can be ascertained, is that in the reign of two great kings who were fond of governing the country with justice and of making their government more firm appointed such Advisory Councils. Both of these kings not only succeeded in strengthening their reign in the country, but they also established their good reputation in the future generations of the people, and it is only due to this

superiority that the people of India as yet have been praising them, and it is not improper to say that their good qualities have charmed the minds of the people of India. Those great kings were Maharaja Bir Bikrama Jit and Shah Akbar. These kings constituted an Advisory Council on a very small scale. The council was called "Nauratan." The word means the Wazirs or the selected persons of the country. These persons were not selected by the people who were never consulted in their appointment, suspension, or dismissal which were made by the king alone, through his intellect and capability, keeping in view the object of governing the country well, for he had a great mind of doing justice, which principle alone guided him in making the appointment. The council thus selected consisted of members distinguished for their abilities, knowledge, experience, and wisdom, and each of them was matchless in a special branch, and free from all kinds of prejudices and partisanships. The qualities were controlled by the Government which had appointed them. Whatever opinion they used to give was given with the special intention of giving a best opinion. This quality was the only reason why their opinion was accepted. Hence the Supreme Government was in a way bound to accept their opinion and advice. The goodness of the opinion obliged the king, who had despotic authority, but who was desirous of doing justice to the people, to accept the opinion with his willingness. This was the reason that the reputation of their justice prevailed among the subjects and their government was approved and their reign established, and no opposite voice was heard from the subjects. This superior management charmed the minds of the people. The important duty of the councillors was to enquire into the condition and views of the subjects personally; and the points complained of by the people when ascertained by any of them were brought to the notice of the highest officer without adding or lessening anything. Thus the matter complained of was removed. The principle of making the highest authority agree to an arrangement, by a majority of the votes of the members of the council, was not in force in those days, for, it is possible, that the majority of the members of a council agree in an opinion, and it is also possible that the concurred matter be injurious for the people of the country, for it is possible that the voters are, on religious, tribal, personal, or political grounds, interested in having the thing done, which may affect the interests and ideas of the people badly, and the rule when put in force may put them to great inconvenience and trouble on the part of the Government. The only remedy for such cases is that the highest authority should check the opinion very intelligently, and no voter should have the courage of giving an opinion merely in hope of its being passed by the majority of votes.

The greatest misunderstanding that requires notice at all times is that the members of the council are considered the representatives of the country, and their every opinion is taken to be the opinion of the country. The opinion of the country is the opinion of all persons, but when a few persons represent it, it cannot be the opinion of the country, but is the opinion of those few persons. If a voter has succeeded in ascertaining and adducing the correct opinion of the country he has done his very sacred duty and has served the Government well. If the voter is mistaken in ascertaining the opinion of the country or has, after ascertaining it, preferred his own opinion to that and has produced his own opinion, his mistake would cause many evils and great anxiety if acted upon. This happens in cases in which matters are decided by the majority of votes, and the rights of some people of the country are totally destroyed and many other evils of various kinds take place which would not have taken place had this opinion not been acted upon.

A few persons cannot in any way be the representatives of the different tribes, classes, and persons of the country. Nor can such honest men of pure principles be available in every case, as would express the exact opinion of the people they represent. It is, therefore, very necessary and obligatory that the number of the members of the council should be extended to a limit required for the representation of any tribe not only having regard to its population, but also to its political status, although the number of the representatives may have no proportion to the population of the tribe. Until such is the state the council should only have the right of giving an opinion, so that the members of the council may have in view that their opinion can be accepted only if found excellent. Thus good opinions will be obtained. These opinions should be checked ably as was done by the former rulers. Thus a despotic Government can be of more advantage to the people of the country than a republic Government is thought to be, for the republic and parliament Government cannot be free from the objection that sometimes the majority of votes pass such opinions which are not only disadvantageous for the country, but neither of the parties considers their issue useful; and the useful arrangement becomes spoiled in laying it before too many persons for opinion. This is the reason that sometimes the management of despotic kings proves to be better than the republic and parliament Government; especially in countries where there are more than one tribe the republic or the parliament Government can in no case be useful, nor is such an arrangement possible as be free from all defects. In countries the people of which are only one nation, the Government of the members elected by them is not free from objections. In a country like India where people of different religions and tribes reside and whose political state is of a special nature, I am of opinion that, on the above grounds, only an Advisory Council, whose opinion may or may not be

accepted by the Supreme Government, can be useful, if the Supreme Government very intelligently examines the opinions expressed and keep a supervision over the councillors, so that the members may refrain from giving wrong opinions. Otherwise the same defects will result as took place in the Punjab at the close of the Sikh Government, by the appointment of the Sikh Khalsa Panchayat, for it was not controlled by any superior authority, and their opinion was not taken as a mere counsel, but it was acted upon if agreed to by the majority.

As to the proposals made in paragraph 5 (of the Government letter) regarding the constitution and duties of the council, I can say that the principles stated above throw much light on the subject. I think the council can be useful if the above state principles are followed. I therefore agree with the proposals nos. 1, 2, and 5. As to the proposal mentioned in paragraph 3, I beg to say that in the whole of the British India there are nearly 150 Chiefs of States, Nawabs, and Rajas under the British Government. These Chiefs belong to the different tribes and religions of India, and with regard to the extent of their States they are not equal, nor is the number of the Maharajas and Nawabs proportionate to the political state of the different tribes, for the number of Muhammadan Chiefs is less than the Hindu Maharajas, though, having regard to the extent of the country and power, the Government may be considering the degree of the Muhammadan Chiefs to be specially high, yet the necessary effect of this proposal seems to be that either the ruling Chiefs will be selected with regard to their degree and the extent of their State and admitted into the council of India, or one after the other will be selected without regard to their degree and country. In the case of this change, the effect of the respectable members of this part of the council will create special results, some of which are specially worthy of the Government consideration.

(*a*) The people of India, who have hitherto been considering themselves merely under the British Government and do not like the mode of government of the Native States, would in a way take themselves to be under the Native Chiefs and Nawabs, and in order to better their prospects would try to obtain the sympathy of such ruling Chiefs. This effect would produce an improper consequence in the case of the British subjects, and the Native Chiefs will create a special kind of connection with the British subjects, and the Native Chiefs, if consulted, will have the power and authority as to the life and property of the British subjects. It is also possible that the Native Chiefs, having in view their own political condition, may overlook the rights of the British subjects, for, they being the respectable members of the Advisory Council, the other members of the council, having regard to the respect due to them, and being influenced by the weight of their opinion more than the proper degree, may naturally refrain from expressing the correct opinion.

(*b*) The greatest fear is that the Native Chiefs, who have as yet been considered free from prejudices and factious feelings may by joining the council be subjected to these tribal and religious prejudices, the results of which can be understood if considered fully.

(*c*) It is also worth mention that the appointment of the Native Chiefs to the council of (British India) administration may not put the British subjects into any mistake at any time. Hence the inclusion of the ruling Chiefs in the Council is objectionable in two ways. Firstly, with regard to number and degree and the complications at the time of selection. Secondly, on account of government on the British subjects by way of giving an advice. It would have been far better that instead of these the Government should have selected able and honest persons out of the subjects who may themselves be equally affected by their opinions expressed in the council, and who may be thought well acquainted with the real circumstances of the people of the country and may be possessed of the special means of acquiring the acquaintance.

Having regard to population and the extent of the country the number of the members is also less, and should be doubled. As the land-owners are the better portion of the people of the country therefore a proper number of them should be taken as members. In electing the members due regard should be had to the political condition of other tribes at the time of nominating members.

Proposal no. 4 as to the term of office and as to appointment is very proper and reasonable.

As to the proposal no. 6 I suggest so much amendment that the council should be allowed the permission to bring any point, of its own accord, to the notice of Government, while every British subject can, with a good intention, bring matters, relating to legislation or administration, to the notice of Government. It is a different thing whether the Government would attend to it or not. Hence this Advisory Council should not be debarred from moving on any point a right which every soul enjoys already, specially because the council has no legal powers, and it is in the hands of Government to accept or reject their opinions. Hence in presence of this condition there is no need of adding the further condition contained in proposal no. 6. Of course, if time requires, special conditions may be imposed as to move matters for discussion. By this liberty all the views of the people of the country will be represented in the council,

which, when called on by Government to give an opinion on some matters, will be ready beforehand to give a good opinion; and the views and opinions now expressed in disrespectful words in political circles will all be discussed in the council of civil and responsible persons reasonably, and thus the views of the general agitation of the country will be changed in the shape of the reform of the country under the influence of the selected men of the country, and there will be an end to the general agitation now prevalent in the country, and affection with Government will improve.

As to the proposal no. 7 I fully concur. The meeting should be held only once a year.

II. Provincial Advisory Councils.—In accordance with the principles stated in reply to question no. 1, these are as necessary as the Imperial Advisory Council is. The members of the Imperial Advisory Council should not be the members of the Provincial Advisory Council at one time. This would give more opportunity, for the leading men of different tribes, to be members of the council, and the views of the country could become known through many persons, and the defect of smallness of number will thus be removed. Otherwise it is possible to happen that the greater number of the members of the Provincial Council will be filled by the members of the Imperial council, and the Provincial Council will not be found so advantageous to the country as it would have been had its members been separate from those of the Imperial Council. Moreover, it will afford opportunity to the small tribes, of special political degree, of supplying a member of theirs, and thus the local Governments will be furnished with opinions on a large scale. If the services of the members in the Provincial Advisory Council be proved to be meritorious there is no doubt that they should be promoted to the membership of the Imperial Advisory Council on the recommendation of the local Governments, and, some other member may have the opportunity of giving his opinion in his stead. Moreover, the opinion of the Provincial Advisory Council relating to matters common in both the councils may be of some help to the Imperial Advisory Council, and the Government will be in a better position to weigh and check the opinion of the Imperial Advisory Council. As the proposal of appointing these councils are based on the best principles of governing a country, which reach Government through the advantage of advice, and the acceptance or rejection of the opinion lies in the power of Government, therefore, in order to obtain detailed advice, if the number of these members be more than or equal to that of the Imperial Council members the representatives of the large population can appear before Government in a proper proportion, and there can be no harm but advantage and satisfaction of the public. In joining the Chiefs of States there is the same objection as stated before. The appointment of the members should be for a fixed period, and the power of giving an opinion should not be restricted to the points referred to as laid down in proposal no. 6 relating to the Imperial Advisory Council. In support of this opinion all the reasons given above, relating to the non-restriction of the powers of the members of the Imperial Advisory Council may be used here too.

This council should also meet annually.

I fully concur in the mode of questioning.

III. Enlargement of the Imperial Legislative Council.—Whatever has been said before relates to the Advisory Councils, and in the whole of the opinion it has been thought obligatory that the acceptance or rejection of the opinions expressed by those councils should depend on the highest authorities' abilities of check and examination. It has also been stated above that in a country populated by different tribes of different religions, not having an equal footing in it with regard to historical facts, but having had for centuries the relation of conqueror and conquered, a parliament or republic Government principles if once applied would cause an astonishing change; for the principles on which a member of a parliament is selected are suitable only to the case of one limited tribe the constitution of whose government be in view, and they cannot at all suit the country, where different tribes, having the relation of a conqueror and a conquered nation, have resided for centuries and established this status in the political and trading matters and condition. for the conqueror nation in Asia never gave a tendency towards trade. In countries where the parliament principles have been in force the nations there are trading classes and their political rights are also on an equal footing. The Muhammadans in India settled like a conqueror nation or like those having connection with them. And the Indians, who adopted the Muhammadans' religion helped and assisted the management of the Muhammadan conquerors according to the principle of Muhammadan brotherhood. And for their livelihood they adopted the means required to complete the requirements of a military conqueror and managing nation. Hence the most part of the Muhammadan population either engaged in military requirements and performed military services for generations or took up an art or labour for the requirements of the military class, but being in the religion of the conqueror nation, naturally enjoyed the preferential rights over their neighbour tribes, and in political and religious matters obtained the privileges, which a nation being in the religion of a conqueror could naturally get. It was on account of this preference that they obtained a good position in dealings and affairs over the conquered nations, a position to which they would not have been entitled had they not been in the religion of the conqueror. In spite of these circumstances, the conquered nations had for centuries nothing to complain against.

The Muhammadan kings maintained the distinction between the conqueror and conquered nations as regards the Arya people, and never allowed the residents of India equal rights with the Arya people; else the number and condition of the original residents of India was in no case so low that if they had been given rights equal to the conquered nations or the nation of a different religion it would have been improper or prejudicial to the management. Hence it cannot be declared in any case that the different tribes of India have in the administration of the country an equal right in proportion to their population; for the measure of the population proportion is much against the principles for the better government of such country and will prove to cause a great change in the political condition of the people, and the obligatory result of it would be that the condition and status of the tribe having less population would fall greatly, and their affairs would change. It is not astonishing that at any future time that nation, which once was a conqueror one and was considered respectable, may fall from the dignity owing to its population proportion, and become an inferior and neglected nation, and the priority, which it has over the other conquered tribes on account of political considerations, may fall from the degree of equality also, and it is not strange that the people with more population may think that the Muhammadans have no right to claim equal rights, whereas the grant of equal right to Muhamadan nation is to negative the preference and distinction it enjoyed for one thousand years in this country on account of being a conqueror nation or having connection with it.

As trade among the Muhammadans in India has been very less (on the ground stated above, being a conqueror nation or having been attached to it), as compared with the other subordinate tribes, and they are not accustomed to trade, and because they do not take interest, therefore the principles of trade in the present conditions cannot be enforced among them, hence election of the members for the purpose of government, on the measure of trade, is not useful for this tribe, specially because in the Legislative Council the members of the trading class will probably be elected as traders, on the Western principles of election. By the application of this mode of election the Muhammadans' political condition and status will suffer doubly. Hence enlargement of the Legislative Council in India with regard to population and trade cannot be useful to the Muhammadans. If the council be enlarged with regard to the political condition of every tribe there is no harm, and it can be useful also. For if there are many members in the ruling council of any country better laws for the country will be enacted. There is no doubt that to be a member for a tribe, and to act according to the needs of a tribe, and to lay the claims before Government by means of his best opinion and advice according to the need of the tribe, are quite different things. In case of a large number of the members it is possible that there may be a special member able to consider every point, and there may be others having a better opinion, on special points separately, and be thus preferable to men of common-sense and they be able to bring to notice such defects and qualities in any special matter and thus influence the Government authorities to agree with them, and the consequence will be that most useful laws may be passed for the country, and the wrong laws be not passed as soon the mistakes in them are pointed out.

Hence, with due regard to the principles stated above, I am of opinion that the enlargement of the Legislative Council is proper and useful. The proposal made in paragraph 12 of the Government letter as to the election of members is subject to the following objections. In nominating a ruling Chief there are the objections stated above under head of Imperial Advisory Council. If there be a necessity of joining a ruling Chief for the purpose of taking his opinion as to the law to be enacted affecting other ruling Chiefs, then there will be the following defects:—

(*a*) In accordance with the treaties made by the Government with the ruling Chiefs, and the kindness which the Government shows to them, the enactment of such laws can be of satisfaction to all the ruling Chiefs. Therefore it is unnecessary to join any one of the Chiefs in the council.

(*b*) All the reasons given before are against the inclusion of a ruling Chief.

(*c*) On account of the difference of religions and tribes, the addition of a ruling Chief to the council would create inequality in the measure of representation of the other tribes. Among the elected members would be elected two Hindu members of class (*a*) necessarily and the equality would not exist, to maintain which the appointment of the Muhammadan members was desired. As there can be other members aware of the principles of trade and willing to help in such matters therefore there is no necessity of electing them at this measure. Instead of these, members of the learned class should be substituted; or two members should necessarily be selected from the religious leaders of the Muhammadans and Hindus called Shekh-ul-Islam and Shastri, respectively.

In other proposals contained in paragraph 12 (of the Government letter) the objectionable point is that the Muhammadan community is thereby represented in a quite insufficient degree. The Government admit that in the councils the Muhammadan community hitherto have not received a measure of representation commensurate with its

number and political and historical importance. When once the cancellation of the measure of proportion has been proposed for which they are thankful, it is expedient that their representation should be sufficient. For if any important object of this kind is left out the Government would incur the displeasure of a body of politicians without actually benefitting the Muhammadans. Therefore in supporting the proposal of giving the Muhammadans a separate representation it is necessary to state that the seats reserved for them should be increased from 4 to at least 6, and it is possible as follows:—

	Government proposals.	My proposals.
A.—Ex-officio	8	8
B.—Additional officials to be nominated	20	19
C.—A ruling Chief to be nominated by the Viceroy .	1	...
D.—Elected members—		
(*a*) by Chambers of Commerce	2	*2
(*b*) by the non-official members of Provincial Council	7	7
(*c*) by the nobles and the great land-owners . .	7	7
(*d*) by Muhammadans	2	4
E.—Non-officials nominated (not less than 2 to be Muhammadans	4	4
F.—Experts	2	2

* Religious leaders.

(4) I agree with the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) The intention of Government that the great land-owners should be entitled to be represented is not a new thing, and it is proper that the class of such men who are men of influence and status in the native society should be given a share in the legislative work. The proposal that one of the great land-owners of the Punjab should be selected as a member of the Imperial Council is very reasonable. He should be selected by election. A special Provincial electorate body of the zamindars paying not less than Rs. 5,000 as revenue should select one of them. A condition more strict than this as to the payment of Government revenue should not be imposed, for the number of electors will then be much less.

(6) It has been stated before, giving detailed reasons, that the appointment of 4 Muhammadans to the Imperial Council is very insufficient. As stated in reply to question no. (3) 7 Muhammadan members are required:—

D.—(*a*) Muhammadan religious leader	1
(*d*) by Muhammadans	2
E.—Non-officials nominated	2

The first-mentioned one member should be appointed by the Viceroy from the whole of India. The 4 members mentioned next should be elected from the Punjab, the United Provinces, Bengal, Eastern Bengal, Bombay, and Madras by rotation. The election to be made by the electors mentioned in clauses (*a*), (*b*), and (*c*) of paragraph 18 of the Government letter.

(7) The Provincial Legislative Council in the Punjab may be extended on the grounds given in reply to question III above. Then it can be proper and useful. As this province is near other Muhammadan countries, nay, adjoins them, and the Muhammadan population in it exceeds that of the other tribes, and it had been a part of Muhammadan government much time before the other parts of India were, therefore the condition of the Muhammadans of this Province as compared with that of the Muhammadans of other provinces is somewhat deserving of distinction. As by chance some time before the British Government one other tribe ruled this Province for a short time and destroyed the Muhammadan rights by its Sikha Shahi reign, therefore the condition of the Muhammadans of this Province is deserving of more attention of the Government. The British rule in this Province has not been so long a time as in other provinces of India; hence education has been yet backward in the Province to acquaint people with the rights of freedom; and (the Province) is not aware of how to lay its claims before (Government) without any fear or mistake. The Legislative Council for the Province was established only in 1898 hence if the members of the council be increased it should be increased mostly by the method of nomination as this alone can be useful. The number of the members of the council should be at least equal to the number of the districts in the province, for the districts of it are different in territorial nature and position. The languages used in one district are different from those used in other districts, and the customs of these districts are also different, and the circumstances of the people are also separate from those of others.

(8) Appointment by means of nomination on the grounds mentioned in reply to question no. 7 is very proper for this Province, and in no case should more than half the mem-

bers be appointed by election, for there are two tribes of political importance in this province—Muhammadans and Sikhs. Though the number of Sikhs is much less than the number of Muhammadans, but because some time ago they ruled the country and the remainder of the Sikh government still exists in the shape of Rajas, jagirdars, and numerous land-owners, therefore this remainder would necessarily occupy some position of distinction in the political circle. In order to maintain the political condition of the Muhammadans it is necessary to keep in view that the total number of the Hindu and Sikh members should not exceed the Muhammadan members, for it often happens that the Sikh members join the Hindu members and express opinions against the Muhammadan rights. There is a small difference between Sikhs and Hindus. They join in eating and drinking with each other and also in their political state, and in religious duties both of them join to a great extent. It is only one tribe divided into two parts; for example, Sikh Khatris and other Khatris. Relationship also takes places among such tribes. Hence the number of Sikh members is a portion of the Hindu members in general condition, and they help each other except in a few and special matters. Under the circumstances the total number of the Sikh and Hindu members should in any case remain below the total number of the Muhammadan members.

(9) In the Punjab Province the population proportion should not be lost sight of, but should be kept in view both as regards the nominated and elected members. The increase in the Sikh members should in no case be so admitted as to create a change in this proportion, for a Sikh member will necessarily be elected from the zamindar and cultivator class. If the appointment of these members be made in the following manner the representatives of all the tribes in the Province will properly be included:—

(1) Muhammadans—
- (*a*) Agriculturists.
- (*b*) Non-agriculturists.

(2) Hindus—
- (*a*) Sikh subjects.
- (*b*) Agriculturists.
- (*c*) Non-agriculturists.

(3) Christians or other miscellaneous tribes.

The above proportion should be maintained in the nominated members also elected from the tribes (1) and (2).

As to the election of the members to be selected from the agricultural class with regard to the above proportion every revenue-payer should have the right to vote, for before the issue of the Land Alienation Act the lands passed into the hands of the non-agricultural classes, and thus it created a change in the proprietorship of the agricultural class, but they have continued to be cultivators, hence if the measure of proprietorship is adopted in their case it would be a wrong estimate. Among the non-agricultural class are included the people of many classes, most of them maintain themselves by labour, profession and art. Hence it would be hardship if only tax-payers of them be entitled to vote. The tax-paying class is only the trading class, most of whom are Hindus. Hence the payment of tax should not be a measure for voters, but among the artisans a special age and special amount of income should be the measure of voting. And among the traders, voters should be those who pay a special amount of tax.

Among the Sikhs voters should be those who either in the class of land-holders pay land revenue, or pay a certain sum as tax. And in other miscellaneous tribes the voters should be those who have received a certain amount of education or pay a certain amount of tax.

The election or nomination of these members should be in the following proportion:—

Muhammadans	7
Hindus, including 1 Sikh	4
Other tribes, including Christians	1

(10) The district boards and the municipal committees are not the correct estimate of the tribal condition, hence the election should not be restricted to these bodies only, for the district boards and the municipal committees do not contain the members of every tribe proportionate to the population, nor have all the persons, who properly have the status of being the representative of any tribe, joined these bodies in a due proportion, for no such provision was made in the rules before.

The election should be in accordance with paragraph 22 (*a*) of the Government letter, and the votes of those persons should be taken who are mentioned in reply to question no. (9).

(11) If the Muhammadan members be selected in the population proportion as against the other tribes and the same proportion be maintained in the nominated members then there is no need of a separate representation. But if this cannot be done, then these members should be increased in the population proportion, and the increase should be made by nomination or election made by the elected Muhammadan members or Muhammadan voters. The district boards and the municipal committees are unable to supply proper members as explained in reply to question no. (1) above. They may perhaps supply proper members if the tribal proportion and political conditions be introduced into them which is very difficult. Hence the most proper mode of election is that the following persons of every tribe should be proposed to be the voters, and their lists should be prepared. The voters should only be entitled to vote for the member of his own tribe and their number should be fixed beforehand and should be from among the following:—

(*a*) All those who pay land revenue to a certain extent annually, so that zamindars of average class be able to vote.

(*b*) All those who pay tax on an annual income of Rs. 2,000.

(*c*) All the registered graduates of the Punjab University of more than 5 years' standing.

(12) The reply to this question has been given above as reply to question no. (11), namely, if the Muhammadan members be elected in the proportion of population and political importance as against the other tribes and the same proportion be observed in the nomination, then there is no need of a separate representation. But if this cannot be done, then an increase should be made in them as suggested in reply to question no. (11) above; and the increase can be made in the manner mentioned in the reply to question no. (11).

V. (13) Discussion of the Budget in the Imperial Legislative Council by separate heads is very proper for convenience' sake. But it is necessary that after the result of all the heads is drawn, discussion be made in one meeting in a general manner.

(14) It would be very proper and suitable if the above manner is followed in the Punjab also.

(15) The introduction into the Punjab Council of the power of interpellation by members is necessary.

MUHAMMAD HASSAN,

President, Anjuman Islamia, Ludhiana.

Dated Anandpur, District Hoshiarpur, 9th November 1907.

From—TIKA RAMNARAYAN SINGH, Honorary Magistrate and Civil Judge, Anandpur, District Hoshiarpur,

To—The Commissioner, Jullundur Division.

I acknowledge the receipt of your esteemed letter, dated 2nd October 1907, with the object of expressing my views on questions on which opinions are desired in connection with Government of India letter no. 2310—2317, by the Government of India and the local Government from different personages. I most submissively send my views for the same in papers attached to this letter in the form of answers. I hope the answers will meet your kind perusal.

TIKA RAMNARAYAN SINGH,

Hony. Magst. and Civil Judge, Anandpur, District Hoshiarpur.

OPINION.

I. (1) *Imperial Advisory Council.*—Such a council would be of great service to the people of India.

With respect to paragraph 5, clauses (2), (6), and (7), I am of opinion that in the appointment of suitable territorial magnates our Province be given the special preference as regards number, without any distinction of dignity and status of land-holders as compared with other provinces. The reason for this is quite obvious. Punjab is the foremost Province from the military and political points of view. The Government knows the full force of it, and need not be discussed here at length. Moreover, Imperial Councillors' powers must not be limited to give their opinions only on matters referred to them for consultation. Their business must be extended somewhat, that is to say, they ought to be empowered to lay before the Viceroy any important matter having political connection without reference, and that matter must be given

full attention. The proceedings of the matter which is brought to the notice of the Viceroy without his reference, in case of mover's failure, must remain strictly confidential. As regards the other proceedings the rule laid down in paragraph 5, clause (7), is very good. The number of councillors is sufficient.

II. (2) *Provincial Advisory Council.*—This Council, too, would be of great use for the country, but the number of the members be not limited to 20. Each district must have its own representative. In this way full information would be available. I advocate no change in its constitution and duties as laid down in paragraph 6 of the Government of India's letter.

III. (3) *Imperial Legislative Council.*—If this council be enlarged better results would be obtained. The number of 53 as proposed is sufficient enough to meet the purpose.

(4) The proposal is a wise one.

(5) As the land-holding class is generally illiterate, I am of opinion that the proposal won't do any good unless greater weight be given to the personal qualifications of the land-owner than to the revenue he pays. Revenue must not only be the test of selection.

(6) The Sikh community, possessing a double capacity, *i.e.*, they are in peace as meek as a cow and in war as furious as a lion, are far behind from their Muhammadan brothers in *education* and *pecuniary* status. Though, generally speaking, the *Muhammadan population* is *greater* than the *Sikh one*, yet the latter don't lack in *fidelity*, *bravery*, and *devotedness to the Crown*, compared with the *Muhammadans*. The Sikh's *fidelity*, *etc.*, is known to the Government as *broad-day light*. I don't think it is needful to discuss this matter fully here, and suffice to say that the Government should show the same special favour and confer the same privileges and rights to the Sikhs which are showered down to their Muhammadan brothers. In my opinion instead of four Muhammadans, two ought to be Sikhs, one to be nominated by the Viceroy and the other be elected by the Sikh members of Provincial Advisory Council from among their community, paying an income-tax upon an annual income of Rs. 10,000 or paying an amount of land revenue, which will indicate a corresponding income, *i.e.*, of Rs. 10,000.

IV. (7) *Provincial Legislative Council.*—If the present number be increased there would be great facility for the people to express their views. In my opinion the number be raised to about 16 members. Nearly one-half must be non-officials and be chosen from among all classes.

(8) The present system of nomination would do. There is no necessity for election of the non-official seats.

(9) There are four broad classes in this Province.—(1) Singhs (commonly called Sikhs); (2) Hindus; (3) Christians; and (4) Muhammadans. Under the second heading various smaller classes step in. No fixed rule can be drawn up for the representation of these classes, that class must be fully represented whose interests coincide with the welfare of the British rule.

(10) I am against election, the Deputy Commissioner and Commissioner should form electorate of their own choice.

(11) If election be resorted to, the proposals of the Government of India as given in paragraph 22 are sound enough.

(12) Please *vide* my discussion under paragraph III, clause (6), in Imperial Legislative Council.

V. (13) and (14) *Discussion of the budget in the Legislative Council.*—The proposals for discussion in the two councils as given in paragraph 23 of the Government of India's letter is most useful.

(15) The powers of interpellation must be introduced in the Provincial Legislative Council, the matters will thus be shifted properly.

TIKA RAMNARAYAN SINGH,
Hony. Magst. and Civil Judge, Anandpur,
District Hoshiarpur.

Dated Bagrian, 1st November 1907.

From—BHAI ARJAN SINGH, Honorary Magistrate, Bagrian (Ludhiana),

To—The Commissioner, Jullundur Division.

In reply to your circular letter no. 172—3541, dated 22nd October 1907, I have the honour to state that I have very carefully gone through the circular letter of the Government of India no. 2310—2317, dated the 24th August 1907, and its enclosures, regarding the enlargement of Legislative Councils and the formation of Advisory Councils. This would of course give people wider opportunities of expressing their opinions on adminis-

trative matters. But the peculiarity of these proposals which strikes one in reading the letter is the partiality shown to the Muhammadans and the want of proper consideration of the rights of other communities.

The Sikhs form a separate community of their own, and should be treated as such. From the religious point of view, they have nothing to do with the Hindus and are as distinct from them as are Muhammadans and Christians. They are not a trifle less important than the Muhammadans. Their importance is admitted by the Hon'ble Mr. E. D. Maclagan in his letter. But it is rather strange that no mention is made of their rights in the Government of India's letter under discussion. Their loyalty and unfailing faithfulness to the British Crown has won for them admiration from all quarters. Their sense of duty both in the office and in the field is best known to those who come in contact with them. Not a century ago they were the rulers of the land and could dictate law to others, but it is a strange irony of fate that their case is quite different now. The Sikhs have a firm belief that their fate is bound up with that of the English. They feel proud of saying so, as it was the prophecy of their 9th Guru, Teg Bahadur, which brought the English here, and led to the gradual extinction of the line of persecutors. This is the reason why they are so steadfastly attached to the English Government. The Government is well aware of the important part which the Sikhs play in the military administrative machinery of India. But the treatment meted out to them is not in proportion to their importance to the *State*. This is because their rights are not impressed upon the Government, and they are in minority.

It is now the intention of the Government to represent minorities also in the councils. The Sikhs are more in minority than the Muhammadans even. Considering their importance and minority it would be only fair if some special provision is made for their due representation in Imperial and the Punjab Provincial Councils, both Advisory and Legislative. I am of opinion that four seats should be set apart for the *Sikhs* in the Legislative Council of the Punjab—two to be nominated by the Government, and the other two to be elected by all the Sikhs; and that two seats should be reserved for the Sikhs in the Imperial Legislative Council—one to be nominated by the Government and the other to be elected by the Sikh members of the Provincial Legislative Council. Sikh representation should similarly be dealt with in the Imperial and Provincial Advisory Councils.

As regards the question of introduction of election system in the Provincial Legislative Council of the Punjab, I think that election should be recognised to be as necessary in the Punjab as in other sister Provinces. You may have realised the fact that our Province is sufficiently advanced for the purpose, as the principle of election is quite familiar to many people as is to be observed in municipal and other elections.

To represent the educated class of the Province, in my opinion, the Senate of the University should be empowered to elect one member to the Legislative Council. The member thus elected should be a graduate of not less than five years' standing. The representation of this class to the Imperial Council should similarly be made by all Universities by electing one member in rotation.

As regards the proposed discussion of the Provincial Budgets in Legislative Council, I recommend that the system should be introduced in the Punjab. The Budget should be laid before the council, and a general debate on it by all the members should be allowed. This would give the members ample opportunities of criticising the financial policy of the Government.

The members of the Punjab Legislative Council should also be given the power of interpellations in the council. This would tend to bring questions of public utility in a more legitimate form before the Government and would prove beneficial in the end.

These are my views on the proposed reform of councils. I am sure, in your reply to Government's letter, you would be kind enough to give proper attention to this letter of mine.

ARJAN SINGH,

Rais and Honorary Magistrate,
Bagrian (Ludhiana).

Dated 11th November 1907.

From—Khan Bahadur Ahmad Shah, Honorary District Judge, 1st Class, Jullundur,

To—The Deputy Commissioner, Jullundur.

In obedience to your kind orders I have expressed my humble opinion as required by the Government of India letter no. 2310—2317, dated 24th August 1907, and beg to lay them before you.

AHMAD SHAH, Khan Bahadur,

Honorary District Judge, 1st Class,
Jullundur.

Answers to questions in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) In my humble opinion the Imperial Advisory Council proposed in paragraph 4 of Government of India letter will be useful for the country, and there seems to be no need of alteration in the proposals made in paragraph 5 regarding the constitution and duties of the said council.

II. (2) In my opinion the Provincial Advisory Council will be of great service to the country, and the scheme drawn in paragraph 6 rquires no modification.

III. (3) I agree to the extension of the Imperial Legislative Council, and like no change in the proposals put forward in paragraph 12.

(4) I approve of the election of one member by the Provincial Legislative Council as is stated in paragraph 13.

(5) I approve of the nomination of one member out of the big land-owners of this Province for the Imperial Legislative Council as mentioned in paragraph 15.

(6) I entirely agree that four Muhammadans should be appointed to the Imperial Council, two to be nominated at least and two to be elected either by the Muhammadan Fellows of the Punjab University or by the Muhammadan members of the Provincial Legislative Council.

IV. (7) In my opinion the number of members should be increased in proportion to the increase suggested as regards the Imperial Council.

(8) In my opinion the existing method of nomination should be maintained; election is premature for the Indians generally.

(9) In my humble opinion appointments should be made according to a fixed rule. There are practically four communities in the Punjab—Muhammadans, Sikhs, Hindus, and Christians. In the first place each class should be represented in proportion to the number of their population. Then some weight should be attached to the historical and political importance of the Muhammadans as the Government of India letter contemplätes. The Sikh community also possesses some political distinction in this Province, but numerically they are nearly half way inferior to Muhammadans. Therefore I am of opinion that two members from the Sikh community should be appointed to the Provincial Legislative Council, and these appointments should be made by nomination.

(10) I am entirely against it that all or some non-official members should be elected by the people. At present Government only can select duly qualified men.

(11) In my opinion each class should be represented separately, but I do not agree to what is stated in (*a*), (*b*), and (*c*) of paragraph 22 of Government of India letter.

(12) I fully concur with the view that Muhammadans should be allotted separate representation. Out of four, three should be nominated, and one to be elected by the graduates of five years' standing of any Indian University, domiciled in the Punjab.

V. (13) In my opinion the manner of discussion on Budget should be altered according to paragraph 23 of Government of India letter.

(14) I agree that the discussion on Budget should be conducted in the way as suggested in paragraph 23.

(15) I consider it advisable that members should be given the power of interpellation in the Provincial Legislative Council.

General Note.

I have expressed my humble opinion above as required in order of succession. I beg to draw the attention of the Government to the fact that in the Punjab most of the land-owners and men of mercantile and other professions do not possess extensive properties and large incomes as is the case in other provinces. Therefore the qualification for a Provincial Councillor should be an annual payment of Rs. 400 as land revenue in case of land-owners and an income of Rs. 2,000 per year for other persons. If election is going to be adopted at all as the means of appointment to the Provincial Advisory Council only those persons should be entitled to vote who possess the corresponding qualifications necessary for membership. Similarly if election becomes the rule for appointment to the Legislative Council, only those persons should be empowered to vote who pay an annual revenue of Rs. 1,000 a year in case of land-owners, who earn an income of Rs. 5,000 a year in case of mercantile and industrial people, who are graduates of five years' standing of any Indian University, domiciled in the Punjab, or Fellows of any University, in

case of educated classes, and who have retired from Government service after holding an office equal in grade to Extra Assistant Commissioners in the Punjab. Corresponding qualifications should of course be enjoyed by those who are going to be appointed to the Legislative Council. Besides these near relatives of ruling Chiefs in this Province should be entitled to vote and obtain seats in the councils. In the Imperial Advisory Council if the rule of election is established at all, ruling Chiefs and territorial magnates paying a land revenue of Rs. 5,000 a year or drawing an annual income of Rs. 25,000 should be classed as electors and each community should in all cases elect its own members. In conclusion I lay particular stress on nomination, because, in my humble opinion, nomination is the best means of appointment to every council at present.

AHMAD SHAH, KHAN BAHADUR,

Honorary District Judge, 1st Class,

Jullundur.

No. 1045—99-07, dated Multan, 27th November 1907.

From—M. W. FENTON, Esq., I.C.S., Officiating Commissioner, Multan Division,

To—The Chief Secretary to the Government of the Punjab.

In continuation of this office endorsement no. 1035, dated 26th November 1907, I have the honour to forward two opinions on the proposed constitutional reforms which have been submitted by the Deputy Commissioner of Jhang. The one by Chaudhuri Sardar Khan, Extra Assistant Commissioner, represents the Muhammadan view of the case. The other emanates from the members of the Jhang bar, all Hindus. Mr. Latifi, in view of his impending transfer, has not found time to record his own views.

M. W. FENTON,

Offg. Commissioner, Multan Division.

OPINION.

The institution of the Advisory Councils, Imperial as well as Provincial, proposed by the Government of India in their letter no. 2310—17, dated the 24th August 1907, would be of much use to the country and of great service to Government, provided their constitutions are arranged in such a manner as to secure the selection of such persons as are really leaders of the people and possess actual influence among their clans or tribes, and to admit of frank expression of opinion on all matters connected with the administration of the country. Otherwise the institution in question would operate as a mere blind between the subjects and the administrators, and hence would rather harm than do any good to the country by increasing discontent among the masses.

2. It is a fact that of late each and every class of the subject races, that is, the bania, the agriculturist, the trader, the workman, etc., is being affected by discontent, and hence the few mischief-mongers have got great chances of working out sedition among the masses. The original cause of all this disaffection of the people lies in the dismemberment of village societies as the result of the British method of administration. According to oriental usages and customs obtaining in this country before the advent of the British rule, all classes of the community except the land-owners were regarded as subservient to and dependents of the land-owner, and the latter never permitted them to usurp any powers over any of their fellow-classes, not to speak of the land-owner himself. With the advent of the British rule all these oriental ties were suddenly broken asunder, and the general policy of the rulers was not only to encourage the dependent classes against their leaders, but also to weaken the latter by destroying their influence among the masses. This state of affairs resulted in demoralizing the land-owners who used to be leaders of the people; and they took to efforts to win over the rulers by debasing flatteries. In the meantime the dependent classes, getting free of control and taking advantage of the ignorance of the rulers, avenged themselves each and all upon the poor land-owner, their late master, and diligently assisted rulers in not only destroying his influence, but also in completely ruining him. The banias, shoe-makers, weavers, carpenters, etc., encouraged by Government officers became deputies, tahsildars, munsifs, pleaders, munsarims, peshkars, etc., and their joint efforts were directed against the poor land-owner, who believes that these people have been set upon him by the Government, and this is the cause of his disaffection. On the other hand, the dependent classes never accustomed to power and never knowing the principles of administration were spoiled by the favours shown to them, and prompted by their natural greediness (which underlies the habits of usury) yearned for more and more power, while their gradual success encouraged them further and further. When they saw that the

land-owner was completely broken down and there was no chance of his resuming his place in the society or claiming any rights or privileges, they became avaricious of self-government, or failing that, a share in the Government of the country. These aspirations not meeting with the usual encouragement, to which they were accustomed at the hands of Government officers, led them to overawe the authorities by their discontent and misbehaviour.

3. Apart from these causes there is another reason also which led to the spread of discontent and disaffection among the masses, that is, the treatment which our Anglo-Indian rulers have, of late, been meting out to the subject races. Had it not been for the sympathetic and considerate treatment of the pioneers of the British Raj, immediately after the annexation, the country (at least the Punjab Province) would have never settled down so peacefully under the British Government. It is a mistake to believe that by better treatment the subjects would be encouraged and would eventually claim equal rights with the ruling class. With the exception of any specially mean natures no Indian would ever jump to any such conclusion. On the other hand, better treatment even to one's own slaves makes them enamoured of their master and elicit thoroughly loyal and submissive feelings. There is no doubt that the sword is a good instrument of rule, but it is impossible to have the sword ready to chastise at every moment for any reasonable length of time. Of course the subjects which are ruled by a hanging sword have no sympathy or feeling for their rulers, and hence always wish to snatch an opportunity to shake off such a Government. At any moment therefore that the sword slacks through some cause or another, the subjects jump at the throats of their rulers and the latter therefore never feel easy, even for one moment, in their life. Such a Government has no status and can never be stable, and in fact can never be termed a Government in the proper sense of the word. In the interests of better government it is always necessary to introduce honest and frank communication between the rulers and the ruled.

4. The people who are made to play certain parts on behalf of the subjects at the instance of the rulers cannot be expected to be thoroughly loyal and faithful to the interests of either the rulers or their fellow-subjects. Such people inspire no confidence, and hence have no influence among the subjects—they are known to be mere creatures of their selfishness. The people look upon their acts and words with distrust, and generally believe that their every word or action is a trick to entrap them.

5. The educated members of the society have generally sprung from the dependent classes, who are utterly void of fellow-feelings and hence have no sympathy with the masses; while their every effort is directed towards self-aggrandisement. They are therefore the last persons to be taken into the confidence of Government as representatives of the people. Thus neither the so-called leaders who have risen from dependent classes and who have assumed leadership on account of modern education and lucrative professions, nor the demoralized old type persons who are known among the people as *satbachnias* are of any use as advisers. The persons who really possess any influence among their class or race do not care for the existing methods of aggrandisement, and hence they avoid the district and other officers who sometimes do not like plain-speaking.

6. In the light of these remarks I now proceed to answer the questions on the subject.

I. (1) An Imperial Advisory Council would be of immense use to the rulers and the ruled provided its constitution and duties admit of proper councillors being selected and of these acting as advisers. The proposals in paragraph 5 might be amended as follows:—

(*a*) Only such persons should be selected for the council who will perform their duties honestly and frankly, and are really in the confidence of the people. The ruling Chiefs and the territorial magnates in general have of late forfeited the confidence of the people, and hence a reasonable number of average land-owners, who might be in touch with agricultural life, might be selected.

(*b*) Whenever any matter is referred to the Advisory Council for consultation, all councillors should have a chance of advising on the matter. With the exception of important matters of State of a confidential nature, all matter affecting the administration should be referred to the Advisory Council. Such an arrangement will not only inspire confidence in the people, but will also keep the Government informed of the state of public feelings and afford more chances to the higher authorities to know the likes and dislikes of the subject races.

II. (2) The Provincial Advisory Council will also be of great service to the country if its constitution and duties are determined in view of the remarks made in the answer to question I (1) above.

III. (3) The enlargement of the Imperial Legislative Council will be useful, but the scheme contained in paragraph 12 of the Government of India letter might be modified in the light of the following remarks:—

(*a*) The reservation of four seats for Muhammadans, particularly as proposed under heads D (*d*) and E, appears, on the face of it, as an undue favour of

one class of the subject races and hence is likely to give other races an apparent cause for heart-burning and disaffection. The internal relations of the subject races are also likely to be embittered which would stand in the way of the peace and prosperity of the country. I do not think also that the Muhammadans would profit by such a reservation of seats; and if the other communities set themselves against Muhammadans on the ground that Government is favouring them, which is not unlikely, it is probable that only few Muhammadans would be returned to the Legislative Council, and that they would be driven away from every place or office where the other communities are predominant. If all the communities are given the right of representation according to their population in each province, and in such computation the menial classes, which are classed non-Muslims, are excluded, the Muhammadans would secure 8 seats as against 12 by Hindus and 2 by Christians, *vide* table annexed (enclosure A).

(*b*) The population of British India is roughly 23 crores, and there are 22 members who are to represent the subject races, *i.e.*, one member is to be appointed for every crore of the population. According to the population of the towns all over India of these 22 members 9 should represent the urban classes while 13 should be taken from the rural population. The heads D and E of paragraph 12 (2) might therefore be amended as follows:—

(*a*)	Chamber of Commerce, Calcutta	1 Christian.
(*b*)	Chamber of Commerce, Bombay	1 alternately Hindu and Muhammadan.
(*c*)	Nobles and land-owners of Bombay and rural classes	1 Hindu.
(*d*)	Nobles and land-owners of rural classes, Punjab	1 alternately Hindu and Muhammadan.
(*e*)	Nobles and land-owners of United Provinces ..	1 ditto.
(*f*)	Nobles and land-owners of Punjab	1 Muhammadan.
(*g*)	Nobles and land-owners of Central Provinces ..	1 Hindu.
(*h*)	Nobles and land-owners of Madras	1 Muhammadan. 1 Hindu.
(*i*)	Nobles and land-owners of Bengal and Eastern Bengal and Assam	3 Hindus. 3 Muhammadans.
(*j*)	Provincial Legislative Council of Bengal and Eastern Bengal and Assam	1 Hindu.
(*k*)	Provincial Legislative Council of Madras ..	1 Christian.
(*l*)	Urban classes of Burma	1 alternately Hindu and Muhammadan.
(*m*)	Urban classes of Madras	1 Hindu.
(*n*)	Urban classes of United Provinces	2 Hindus. 1 Muhammadan.
	Total	22

III. (4) The answer is contained in the answer to question III (3) above. The smaller Legislative Councils need not be given the right.

(5) According to population both members for the Punjab should be taken from the rural class, that is one Muhammadan and one alternately Hindu and Muhammadan. I would propose selection, as the rural classes are not in a position to make a proper election. If election is to be resorted to the average land-owner, say, those who pay Rs. 500 annual revenue, and average non-agriculturist, say, those who pay income-tax Rs. 5,000, should have a chance. Each revenue division should elect, say, ten members to vote at the general election by the Province.

(6) No, for reasons discussed above. If election is resorted to, I would not support election by the non-official Muhammadan members of the Provincial Legislative Councils. The electorate suggested in the Government of India letter, paragraph 18, would do. If it be found impossible to frame a list of voters under head (C) the graduates of a certain standing as suggested in paragraph 17 (3) might be substituted for voters under that head.

IV. (7) The Provincial Legislative Council should be enlarged so as to admit of a large number of officials and non-officials to take part in the discussions. There should be at least 20 members and two-thirds of the non-officials should be persons in touch with agricultural life in villages.

(8) The existing system of nomination is proper and safe so long as mere title hunters are not selected and purely *satbachnias* are avoided. If election is to be made the scheme sketched in answer of III (5) above should be adhered to for all or any of the seats open to election.

(9) According to population each class should have separate seats allotted. If 8 seats are allotted to non-official members 5 may be allotted to Musalmans, three to Hindus, and one to Sikhs.

(10) If real election is to be adhered to, the scheme mentioned in answer III (5) and referred to in answer IV (8) might be adopted because the district boards' members are generally selected and very few of them are elected by the people, and the municipalities shall have only a few members to elect, say, to the extent of one-fourth of the non-official seats at the highest.

(11) The seats on the district boards and the municipalities should also be allotted according to population, and if this is done, then the electorate might be found as suggested in paragraph 22 (*b*) of the Government of India letter.

(12) If it be found necessary to form a special Muhammadan electorate the scheme mentioned in paragraph (7) of the Government of India letter would do very well, provided that all payers of income-tax have to get a right of voting, the limit of annual revenue in the case of land-owner should be fixed at Rs. 100 or at most Rs. 250.

(13) The proposal is useful.

(14) If the budget is discussed in the Provincial Council, the scheme sketched in paragraph 23 of the Government of India letter might be followed with advantage. I think the discussion of the Provincial Budget will lead to good results.

(15) The power of interpellation would serve many useful purposes.

JHANG:
The 7th November 1907.

SARDAR KHAN,
Extra Assistant Commissioner.

…pulation of British India in thousands only.

Classes.	Assam.	Bengal.	Bombay.	Burma.	Central Provinces with Berar.	Madras.	North-West Frontier Province.	Punjab.	United Provinces.	Total.
Hindus	3,429	46,741	14,200	{ 285 +9,184 }	10,560	34,048	134	7,874	40,757	..
Muhammadans	1,581	25,265	3,760	339	507	2,467	1,958	10,826	6,731	..
Christians	36	275	208	147	26	1,024	5	66	102	...
Total	6,126	74,745	18,560	10,491	12,631	38,209	2,125	20,330	47,692	*231,900

Town population in each Province.

Classes.	Assam.	Bengal.	Bombay.	Burma.	Central Provinces with Berar.	Madras.	North-West Frontier Province.	Punjab.	United Provinces.	Total.
Hindus	139	2,698	2,255	{ 156 +670 }	650	3,490	67	1,016	3,269	...
Muhammadans	34	1,087	586	116	130	574	181	1,168	1,887	...
Christians	2	68	99	32	16	204	5	33	32	...

Allocation of seats by population.

Classes.	Assam.	Bengal.	Bombay.	Burma.	Central Provinces with Berar.	Madras.	North-West Frontier Province.	Punjab.	United Provinces.	Total.
Hindus		4	1½	½	1	2	...	½	2½	12
Muhammadans		3	½	½	..	1	...	1½	1½	8
Christians		1	...	...	...	1	...	...	...	2

Division of seats according to urban and rural population.

Classes.		Assam.	Bengal.	Bombay.	Burma.	Central Provinces with Berar.	Madras.	North-West Frontier Province.	Punjab.	United Provinces.	Total.
Hindus	Urban		1	½	½	...	1	...	...	2	5
	Rural		3	1	...	1	1	...	½	½	7
Muhammadans	Urban		..	½	½	...	...	...	..	1	2
	Rural		3	...	...		1	...	1½	½	6
Christians	Urban		1	...	...	...	1	...	...	...	2
	Rural		...	...	...	...	...	...	...	...	...

* Includes minor provinces such as Ajmer, Merwara, Andamans, Baluchistan, and Coorg also.

SARDAR KHAN,
Extra Assistant Commissioner.

OPINION.

Imperial Advisory Council.

I. (1) When the country is going to have enlarged Legislative Councils, as proposed, in which all important interests and communities are to be adequately represented, we do not think a separate Advisory Council is necessary. Advisory Councils, whether Imperial or Provincial, will have very little to do as their constitution shows, and those functions too that are allotted to them can be discharged by the non-official members of the Legislative Councils, who are expected to be the representatives of the country.

If it be considered necessary to have Advisory Councils, then we beg to suggest the following defects in the constitution as sketched in paragraph 5 of the Government letter which may be removed:

(*a*) The Imperial Advisory Council, as proposed, cannot be representative. Only territorial magnates and ruling Chiefs can come in, there is no provision for merchant princes or professional magnates or educationists or representatives of other interests to be taken as "Imperial Councillors."

(*b*) When the object of the Government is to take advice from such councillors on important administrative measures and hold consultation with them in private, it is most essential that the members of such councils should be intelligent enough to form their own independent opinion on such difficult questions as concern the vast country like India and are to be put before them for solution. It must, therefore, be put down as a condition that only those magnates are eligible for membership who are sufficiently educated.

Provincial Advisory Councils.

II. (2) As to these councils we hold the same opinion as we have expressed with regard to Imperial Councils, but the Government of India letter makes provision in the constitution of Provincial Advisory Councils for all interests to be represented on the council, while it does not in the case of Imperial Advisory Council as pointed out above. Such a council is particularly unsuited to the Punjab. This Province has not got a large number of landholders of sufficient dignity as hinted in the Government of India letter, nor people consider such magnates as their leaders. A few enlightened persons that may be found of importance to represent different interests are sure to come on the enlarged Provincial Legislative Council.

Imperial Legislative Council.

III. (3) We are in favour of the enlargement of the Imperial Legislative Council, but in view of the principles laid down in the Government of India letter itself we suggest some modifications in paragraph 12. It is desired that all communities and interests must be adequately represented to which no exception can be had. In order that representation may be adequate those communities that constitute the majority of the population must have majority in the non-official members of the Legislative Council, but the proposed scheme keeps the Hindu community in minority in the Imperial Legislative Council while it assures majority for the Muhammadans who are only a minority in the country.

There are to be 22 members of the people, because 2 under head F are not to be permanent members and are only to be nominated by the Viceroy as experts for special purposes and one under head C is to be a ruling Chief.

Under head D, clause (*a*), there is very little chance for any Hindu or Muhammadan to be elected, a European in Calcutta and a Parsi or a European in Bombay are very probably to be taken.

Under clause (*b*) in the Provincial Councils as they are now to be constituted, the Punjab and Eastern Bengal and Assam are sure to return Muhammadans, and one other Muhammadan you may safely count from the remaining Provincial Legislative Councils, thus 3 Muhammadans are sure to come in under this clause and one Burmese and 3 Hindus if no Christian or Parsi takes a chance.

Under clause (*c*) for similar reasons 3 Muhammadans are sure to be returned while 4 Hindus are not so sure.

Under clause (*d*) and head E, 4 Muhammadans are provided for while no Hindu can come in; two other members, to be taken under head E, are to represent minorities and cannot certainly be Hindus.

The above calculations make it clear that 10 Muhammadans are sure, while not more than 7 Hindus can come in, and this number, too, is subject to decrease if any Christian or Parsi is returned.

We would, therefore, for the sake of fairness, ask that head E may be altered as follows:—

Head E.—Non-officials nominated by the Viceroy to represent minorities or special interests or to safeguard the adequate representation among different communities.

(4) The proposal contained in paragraph 13 of the letter is in no way objectionable.

(5) We are not in favour of making only land-owners eligible for membership under clause (c) of head D; why not open the door for other people of equally high position and status under this clause? Right of election should not be conferred on an electorate of a few members of a particular class of the Provincial Legislative Council. We would propose an electorate consisting of all land-owners paying annual land revenue above a particular amount and all people paying income-tax above a specified sum or having had education to a fixed standard.

6. We have already noted the modifications we consider necessary to be made in head E. We recommend election to be made by an electorate formed in the principles laid down in paragraph 18 of the letter.

Provincial Legislative Council in the Punjab.

VI. (7) We are in favour of an increase in the present number of members in the Punjab Legislative Council. The number may be safely increased to 17 as follows:—

A. Official members including the Lieutenant-Governor, 9.

B. (a) One ruling Chief to be nominated by the Lieutenant-Governor.

(b) One Sikh and two Hindus by election.

(c) Three Muhammadans by election.

(d) One to be nominated by the Lieutenant-Governor to represent special interests or minorities.

We are opposed to the election being made by municipal or district boards. They are in no way representative bodies. We suggest electorates to be constituted for different communities by land-owners and other people, some standard of income being fixed as a qualification for voting, and for others some standard of education being fixed.

We think paragraph 17 of the letter does not apply to the Punjab where Muhammadans are in no way a minority, rather they form majority of the population, and their representation by ordinary methods will be adequate. The objection that Indian gentlemen of position do not offer themselves as candidates to a wide electorate, we think, won't hold when election is for such a high position as membership of a Legislative Council.

Discussions of the Budget.

V. (13) The system proposed for the discussion of the Budget, if adopted, is sure to prove useful.

(14) We think Provincial Budget should be discussed in the Provincial Legislative Council and the system should be adopted as is discussed in paragraph 23.

(15) We are in favour of power of interpellation being conferred on members of the Punjab Legislative Council.

BAHADUR CHAND, M.A., LL.B.,
Chief Court Pleader, Jhang.

LAL CHAND,
Pleader.

LAL CHAND,
Mukhtar.

GOVIND RAM,
Pleader.

HIRA NAND,
Mukhtar.

HIRA NAND,
Pleader.

No. 3686, dated Patiala, the 26th-27th of November 1907.

From—LIEUTENANT-COLONEL C. M. DALLAS, I.A., Political Agent, Phulkian States and Bahawalpur,

To—The Chief Secretary to the Government of the Punjab.

With reference to your letter no. 2645-S. (Home—Legislative), dated 27th September 1907, I have the honour to forward herewith, in original, the opinions of the four gentlemen mentioned therein regarding the proposal made by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

All these opinions, except that of the Hon'ble Tikka Sahib of Nabha, have been given in the form of answers to the questions which form an enclosure to your letter.

The opinions differ in many ways, but all, except the same Hon'ble gentleman, are agreed that election pure and simple is not suited at present to the people of this country. I append also a digest of these opinions which may be of use in comparing the answers to the various questions.

2. From my own personal experiences in this direction I am quite in accord with this opinion. The people as a whole are not yet sufficiently educated to think for themselves, and consequently their votes are either sold or else obtained by canvassers who do not shrink from all sorts of malpractices and other devices to secure them. For this reason many suitable, but respectable, persons will not offer themselves for election. In my opinion, therefore, election pure and simple should not be resorted to. I would prefer nomination, but if election is required, I think a compromise might easily be made, something between the two methods suggested by Khalifa Syad Muhammad Hussain and Rai Bahadur Ganga Ram.

The latter suggests that three Chambers—Commerce, Law, and Agriculture—should be *nominated* in each district, and these Chambers should elect for Divisional Chambers, who would elect for Provincial Chambers, and these in their turn would elect for the Imperial Chamber. The Khalifa Sahib advocates the formation of an electorate which should consist of all zaildars and sufedposhes, together with a certain number of jagirdars, muafidars, lambardars, members of certain professions, graduates and so on [*vide* replies to III (5) and III (6)]. I think the electorate in the district should be all nominated by the local Government. The district officer may, I think, be fully trusted to recommend for nomination representatives of all the leading classes and castes in his district and this electorate might be left to elect representatives for its district, who with those of other districts would elect representatives for the whole province. I would have one and only one electorate in the district, but let it be sufficiently large to embrace representatives of all classes and kinds, and if the election of any particular class is required only the members of this electorate of that class should vote.

3. I now proceed to answer the questions sent with your letter, to the best of my ability:—

I. (1) *Imperial Advisory Council.*—I am afraid I cannot hope for much advice from the Advisory Council, but I have no doubt that it will be useful as an "agency for the diffusion of correct information upon the acts, intentions, and objects of Government." I certainly think its members should be nominated. I have no alterations to suggest in the proposals of Government regarding its constitution and duties. For ruling Chiefs there will, no doubt, be some distinction made in the matter of seats or place occupied by them.

II. (2) *Provincial Advisory Council.*—My opinion about this is the same, as about the Imperial Advisory Council.

III. (3) No, I do not approve of an enlargement of the Imperial Legislative Council. The council can at present consist of 24 members exclusive of His Excellency the Viceroy which, I think, is quite large enough and which can, I think, be quite representative enough. The larger the council the more time will be taken up in discussion, and so, I believe, the disposal of business will be retarded, without any compensating advantage. If, however, it is considered essential that there should be more unofficials on the council I would suggest something of this kind—

(A) Officials, *ex-officio* members	8
(B) Unofficials, ruling Chiefs	1
(C) To be nominated by Chambers of Commerce, Bombay and Calcutta	2
(D) From each province mentioned in paragraph 12 D (*b*) and D (*c*) of Government of India letter to be nominated by the head of the Province	8
Official or unofficial to be nominated by His Excellency the Viceroy	15
(E) To represent minorities, special interests, experts and to maintain Government majority not more than one-third to be unofficial.	
Total, excluding His Excellency the Viceroy	34

If, however, it is considered desirable that all those mentioned in paragraph 12 C and D (*a*, *b*, *c*, and *d*) are to have seats on the council, I do not see how the number can well be reduced below 53.

III. (4) If the other Provincial Councils are to elect members for the Imperial Council I do not see why the Punjab should be excluded, but I would prefer that a representative from the Province should be nominated by its head.

(5) Yes, I approve of the selection of one of the great land-owners of this province to the Imperial Council. The Punjab is essentially an agricultural province and its interests should be represented in that direction. I would rather a land-owner were on the Imperial Council than the selection of the unofficial members of the Provincial council. I would certainly prefer to see the land-holder nominated by the head of the province, but if elected then by the agriculturists of the nominated electorate such as I have mentioned in paragraph 2 of this letter.

(6) If the Muhammadan community is not adequately represented in the council by other means I see no objection to some Muhammadans being nominated in order that they may be properly represented. It would, however, I think, be sufficient to include D (*d*) with E, and if more Muhammadans were required they could be nominated by His Excellency the Viceroy under E. I do not think it is necessary to specify that of the four members to be nominated under E not less than two should be Muhammadans. It is, I think, quite likely that the Muhammadans will be adequately represented by members under D (*a*), (*b*), (*c*), and it might be necessary to reserve all nominations under E for other minorities or special interests. For the election of the Muhammadan elected members under D (*d*), if that remains, I should prefer the electorate to be the unofficial Muhammadan members of the Provincial Councils. I do not think that it would be advisable to give the University, as such, any voice in political matters. I do not see, however, why the election should not be made by the Muhammadan members of the nominated electorate above mentioned, though I think the best course would be for them to be nominated.

It is possible that the Sikhs might require some representation on the Imperial Council, as I certainly think they ought to have at least one representative and he might be nominated under E.

IV. (7) No, I do not advocate an increase in the present number of the Provincial Council. With 4 unofficial members, all classes can be quite adequately represented.

(8) I would maintain the present system of nomination.

(9) No, I do not advocate a fixed rule determining the proportion of seats to be allotted to each class. I would leave this entirely in the hands of the head of the Province.

(10) If election is resorted to for appointment of all or any of the unofficial members I would advocate a nominated electorate such as I have mentioned in paragraph 2. If any particular class of member is to be elected only the members of the electorate of that class should be allowed to vote, *e.g.*, should a land-owner be required only agriculturists and land-owners should be allowed to vote, should a Muhammadan member be required only the Muhammadan members of the electorate should be called upon to vote, and so on.

(11) I do not avocate separate representation of classes—see answer to (9).

(12) I do not think that in this province provision for the separate representation of Muhammadans is necessary, but if it is considered so, I would provide for it by nomination and not by election.

V. (13) No. (14) No. (15) No. I do not think any useful purpose would be gained by making any alteration in the system of discussing the Budget in the Imperial Council, and I certainly do not consider it necessary or advisable that the Budget should be discussed in the Provincial Councils or that the members of the Provincial Councils should have powers of interpellation.

C. M. DALLAS, *Lieut.-Col.*,
Political Agent, Phulkian States and Bahawalpur.

Digest to answers to Advisory Council's questions.

Khalifa Sahib.	Ganga Ram.	M. Rahim Bakhsh.	Tikka Sahib.
Question I.—Yes, but council should not be restricted to land-holders, but should include "leaders of thought," &c. Council should have a fixed programme, and individuals should take the initiative in offering advice to Government.	No; will be mere figure-heads and quite useless.	Yes . . .	Yes, but council should have fixed programme, and members should offer advice informally. Council should receive some legislative recognition.
Question II.—Yes, with similar modifications.	No. Own scheme preferred.	Yes. Twenty members sufficient to include 2 ruling Chiefs.	Yes, with same opinions as in regard to question I.
Question III.—Yes, but there should be more non-officials nominated by Viceroy than at present proposed to represent minorities, *e.g.*, Muhammadans.	No; as suggested by Government of India too unwieldy. Own scheme provides for 45. Viceroy always to have the power of veto.	Yes; should be 2 ruling Chiefs and number of land-holders reduced to 6.	Yes; but at least 6 members should be nominated by Viceroy (*i.e.*, presumably non-official members).
Question IV.—Yes. . . .	No answer . .	Yes . . .	No answer.
Question V.—Yes; nomination by Lieutenant-Governor preferable. If by election, franchise should be restricted to zaildars, jagirdars, &c., to be selected by district officer. Country not rife for direct election.	Yes. But should be nominated, and should not necessarily be the biggest revenue payer.	Nomination preferable to election.	Ditto.
Question VI.—Yes, but four Muhammadans are too few, as none will be elected under other heads. Muhammadan members should preferably be selected by Lieutenant-Governor in consultation with Muhammadan members of Provincial Council. If by election, then this should be restricted to graduates and well-to-do men.	No . . .	Yes, but by nomination by Lieutenant-Governor and Viceroy.	Strongly objects to this proposal, as he thinks it unfortunate to introduce racial feeling by giving undue prominence to any particular community. Besides there is no mention of any special representation of the Sikhs.
Question VII.—Yes, minimum 20, maximum 25.	Total number should be 12. Lieutenant-Governor to have casting vote and veto.	Number should be 15: 9 officials and 6 non-officials.	No answer.
Questions VIII and IX.—Election quite unsuited to present condition of Sikhs. One Sikh member to be nominated. At least 2 special Muhammadan members to be elected as above. Other seats to be thrown open to all other classes without laying down fixed proportion.	No answer; own scheme provided.	Nomination preferable to election. There should be 3 Muhammadans and 3 Hindus. No distinction necessary between Hindus and Sikhs.	Ditto.

Digest of answers to Advisory Council's questions—contd.

Khalifa Sahib.	Ganga Ram.	M. Rahim Bakhsh.	Tikka Sahib.
Question X.—Election of two members should be through municipal and district boards. Punjab University need not be represented.	No answer; own scheme provided.	Already answered .	No answer.
Question XI.—There should be separate representation of classes in municipal and district boards, *e.g.*, agricultural and non-agricultural. Electorates should be as suggested by the Government of India by fixing an appropriate franchise for each class. Some seats must in any case be filled by nomination. Restriction of franchise to literate people is totally inapplicable to Punjab.	.....	......	......
Question XII.—Already answered as under question VI.	No answer; own scheme provided.	Does not believe in any form of election. Nomination much the best system.	No answer.
Question XIII.—No. Condition of people not sufficiently advanced for these concessions to be of value.	Yes; after submission to Provincial Councils.	Yes . . .	Ditto.
Question XIV.—No. Condition of people not sufficiently advanced for these concessions to be of value.	Yes . . .	No . . .	Ditto.
Question XV.—No. Condition of people not sufficiently advanced for these concessions to be of value.	Yes . . .	Yes . . .	Ditto.

Dated Patiala, the 14th November 1907.

From—MASHIR-UL-DAULA MUMTAZ-UL-MULK KHALIFA SYAD MUHAMMAD HUSSAIN, K.B., Member, Council of Regency, Patiala State.

To—The Political Agent, Phulkian States and Bahawalpur.

In reply to your no. 3116, dated 3rd October last, regarding the proposals made by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters, I have the honour to enclose herewith my replies to the questions framed by the Punjab Government.

2. With reference to paragraph X of Hon'ble Mr. Maclagan's letter of 27th September last, I beg to state that in this country, particularly for some time to come, I consider the system of nomination of prominent and acclaimed leaders preferable to election. But as it was required under the same clause that I should also give expression of my views as to the best way of election I have, therefore, dealt with the matter in detail in the course of my replies.

3. On the questions raised by the Punjab Government in their letter regarding (1) the special representation of Sikhs, (2) the representation of the Punjab University, (3) the right of the members of a special Muhammadan electorate to vote in the open election also, I have stated my views in the course of replies to questions no. IV (7, 8, 9, 10, 11).

Since I received your letter under reply you are aware I have been seriously ill, and am still far from being well, and this has unavoidably prevented me from sending my replies by the 10th November, and for the same reason I could not give the proposed scheme as thorough deliberation as its high importance deserves, and hope that I will be excused for the delay.

SYAD MUHAMMAD HUSSAIN,
Member, Council of Regency, Patiala State.

Questions and answers on the Government of India letter no. 2310—2317, dated 24th August 1907, by Khalifa Syad Muhammad Hussain, Khan Bahadur.

I. (1) Yes, but with the following modifications:—

(*a*) It appears from paragraphs 4 and 5 of the Government of India letter that only "hereditary leaders of people" and "territorial magnates" or, in more plain words, "land-holders of sufficient dignity and status" would be eligible for the membership of the Imperial Advisory Council, in addition to ruling Chiefs. I am of opinion that besides Chiefs and nobles private gentlemen of recognised ability, who may be called "leaders of thought" and of "movements of reforms" in the country, and of a type approved by the Government should find a place in the council. As, for instance, Mr. Behramji Malabari, though he is not a big land-holder, is eminently suited to become a member of the proposed council. As all members are to be nominated no undesirable man can ever enter. The Government might, if it is deemed necessary, limit the number of such members.

(*b*) It is understood that while inviting expression of opinion from a member of the council the Government will forthwith furnish him with all reports, correspondence, and other necessary information connected with the measure on which his opinion is required; and similarly if the member ask for any information (not already supplied by the Government) to help him in forming his opinion, it will also be furnished to him.

(*c*) Further, I think, the members of the council should also be entitled to submit their individual views to the head of the Government on any other matter that might occur to their own minds as worth inviting the attention of the Government.

(*d*) The form of the Advisory Council suggested by the Government of India letter appears to be defective in one respect. To establish the council as an active and a living institution, I think it is necessary that it should have a programme fixed for it every year, and should, as a rule, hold once or twice during the year ordinary meetings to discuss matters referred to it by the head of the Government for collective opinion, and extraordinary meetings when called by the head of the Government for a special object.

(*e*) Some of the ruling Chiefs would not perhaps like the idea of being associated on equal terms with men of lesser positions. I, therefore, suggest that they should have some sort of distinction, for instance, in the form of chairs, when attending the meeting of council.

II. (2) Yes, with the modifications suggested above.

III. (3) Yes, but the number of seats under head E is, in my opinion, small. Either this should be increased or, still better, to avoid the necessity of a corresponding increase under B, I think a new head G, with some reserved seats to be filled (when necessary) by nomination, should be added. These should, as a rule, remain vacant, but officials or non-officials, in due proportions might be appointed to occupy all or some of the seats if, at any time, some minority or special interests might fail to get adequate representation through other means or the Government might wish to add some official or non-official of its choice for whom sufficient room might not be available under other heads.

III. (4) Yes, because this privilege is already enjoyed by non-official members of the councils of other Provinces, there is no intention to withdraw it, and I see no sufficient reason to make an exception in the case of the Punjab.

III. (5) Yes, and as to the method of election my opinion is that direct election from top to bottom cannot suit the present state of this country. An electorate can, without much inconveninence, be appointed for the comparatively small area of a country or district; but no single body of electors can work intelligently and harmoniously to elect a representative from a whole province as big as the Punjab. I think election should be confined to districts. The district should have for its electorate the whole body of zaildars and sufedposhes, *plus* a limited number of jagirdars, muafidars, and others to be selected at the discretion of the district officer, out of the land-owners and assignees of land revenue of a certain fixed and defined status. The total number of electors should not be the same for all districts. The district electorate should elect the number of representatives fixed for their district by the local Government. The district representatives, thus elected, can similarly elect from among themselves a fixed number for each division, the divisional representatives a fixed number for the Provincial Council and the representatives of the zamindars in the council can elect some one from among themselves for the Imperial Council. The other and the better course, in my opinion, is that His Honour the Lieutenant-Governor should nominate, after private and informal consultation with the zamindar members of his council, and out of the elected representatives of districts or divisions, the required number of members for the Provincial Council and out of the past and present members of the Provincial Council a representative of zamindars for the Imperial Council.

I prefer the latter course, because I believe that if the former is adopted the electors will be unacquainted with the candidates, and the result inevitably will be that residents of Ambala or Delhi will find themselves at a loss in trying to choose between the candidates from Rawalpindi and Multan, and *vice versâ*. The ultimate evolution of a "representative" will become a mere matter of chance, and will lead to all sorts of malpractices, wire-pulling, and speculating.

The franchise should not, in my opinion, be determined in this province of mostly small land-holders on the basis of a rule that the payment of fixed minimum amount of land revenue confers the right to vote.

The system described above is, I think, simpler and much better suited to the conditions of this province. The zaildars, sufedposhes, lambardars, jagirdars, and other agriculturists selected by the district officer will be recognised representatives of the zamindar community, and no better electorate can be formed than by incorporating these natural leaders of their class. If it is considered necessary to base the right of vote on the payment of a certain minimum sum as land revenue, the limit must be different for each district, and low enough to give a voice in the elections to the prevailing type of zamindars in the districts, and not only to the big land-owners, who are not often, on account of their position, habits, and inclinations, in touch with the real and typical zamindars of this Province, and who are not, consequently, entitled to be regarded as their true representatives.

III. (6) Yes, and, moreover, I think that apart from other considerations in favour of the importance of the Muhammadan community and on the basis of the proportion of population alone the only four seats in the Imperial Council, reserved for Muhammadans out of the total number of 23 unofficial seats (under heads C, D, and E) can be hardly regarded as sufficient. Because as the address presented to His Excellency the Viceroy by the Muhammadan deputation on the 1st October 1906 correctly points out: "the Muhammadans of India number, according to the census taken in the year 1901, over sixty-two millions or between one-fifth and one-fourth of the total population of His Majesty's Indian Dominion; and if a reduction be made for the uncivilised portions of the community enumerated under the heads of animists and other minor religions, as well as for those classes who are ordinarily classified as Hindus but, properly speaking, are not Hindus at all (and who are regarded quite separate and distinct both religiously and socially by the Hindus) the proportion of Muhammadans to the Hindu majority becomes larger."

It must also be borne in mind that with the exception of heads D and E a Muhammadan will rarely, if ever, reach the Imperial Council by other ways. This conclusion is fully borne out by the experience of the past, which the Government of India letter shows to be that "under the system of election hitherto in force, Hindus largely predominate in all or almost all the electorates, with the result that comparatively few Muhammadan members have been elected." This will, I believe, be the result of election in future also. The Government has, no doubt, very kindly given much consideration for the needs and claims of the Muhammadans of India in their proposed scheme, and for this attitude of the Government they are very grateful. But, for the reasons stated above, and also because the Muhammadans are scattered in all the Provinces, though not bulking as large as in Eastern Bengal and Punjab, there should be a fixed rule to provide that each Province be represented by one Muhammadan either by nomination or by election because the local needs and interests of a Province cannot be very well represented by the representative of another province or by the system of rotation proposed.

The requirements of this rule can be fulfilled in various ways, *i.e.*—

(1) By increasing the number under head E.

(2) By keeping it in view while making appointments under heads B and E.

(3) If members under head D (*c*) are selected according to my opinion, that is, by nomination out of elected representatives, by appointing a Muhammadan member under this head.

(4) If head G of reserve seats is added as suggested by me, by making appointment under this head.

(5) Or in any other way which the Government may think best.

The election of Muhammadan members should, in my opinion, be as follows:—

Every district should have a separate electorate divided into three groups as follows:—

A.—Muhammadan zaildars and sufedposhes with the addition of a limited number (selected by the district officer) of lambardars, jagirdars, and muafidars.

B.—Muhammadan graduates of 5 years' standing.

C.—All Muhammadans (with the exclusion of groups (*a*) and (*b*)) possessing (for the purpose of income-tax) an income above one thousand with the addition of a limited number of such other men of influence as the district officer may at his discretion exempt from this restriction.

In paragraph 17, clause 3, of the Government of India letter it is suggested to include in the Muhammadan electorate graduates "of an Indian University." I have omitted the words "of an Indian University" because there are some graduates of European Universities also, and their number is increasing. Group C will, I think, be sufficient to include all men of influence inadmissible to groups A and B, *e.g.*, lawyers, physicians, priests, retired civil and military officials, merchants, honorary magistrates, municipal commissioners, &c., &c.

The number of representatives for each group and for the whole district will be fixed by the local Government. After the representatives of districts have been elected in this way the further process of election might be the same as that suggested for land-holders, *i.e.*, the representatives of districts might elect from among themselves representatives for divisions; the representatives for divisions might similarly elect members for the Provincial Council, and all the non-official Muhammadan members, whether appointed by election by Muhammadans or any other way, might be combined to elect a Muhammadan member for the Imperial Council.

The alternative course, which I prefer, is that His Honour the Lieutenant-Governor would in private and in formal consultation with the Muhammadan members of his council select members from the representatives of districts or divisions both for his and the Imperial Council.

If it is considered necessary that His Excellency the Viceroy should have a wider scope for the selection of a Muhammadan member for his council I would suggest that His Honour the Lieutenant-Governor should submit 4 or 5 names selected as above from the elected representatives, and His Excellency the Viceroy would then give preference to whomever he thinks fit.

Similar procedure can be followed for the selection of a representative of the landed classes for the Imperial Council. The method proposed secures the advantages of both election and nomination.

IV. (7), (8), (9), (10). Yes, the minimum number should be 24 and maximum number 25 including His Honour the Lieutenant-Governor in each case.

The constitution of the council in case of 19 seats should be as given below:

A.	*Ex-officio*		3
B.	Official nominated		7
C.	Non-officials—		
	(1) Without denomination.	elected 2, nominated 1	3
	(2) Land-holders	elected 1, nominated 1	2
	(3) Muhammadans	elected 1, nominated 1	2
	(4) Sikh (nominated)		1
	(5) Reserved seat (nominated)		1
		TOTAL	19
	or including His Honour the Lieutenant-Governor as President with a casting vote		20

No sub-divisions of the heads given above is, in my opinion, necessary.

The minimum number under each head should be as stated, and the relative strength must, I think, be maintained unaltered, so that if any alteration is made under any head corresponding alterations should be made under other heads also.

As regards methods of election for land-holders and Muhammadans, I have already stated my opinion in answers III (5) and III (6).

I consider election of any sort uncalled for and ill-suited to the present condition of the Sikhs, but, as they constitute an important community in the Punjab, it is only fair that they should have special representation.

Accordingly I propose that one seat to be filled by nomination should be set apart for Sikhs.

Muhammadans constitute by far the larger proportion of the population in this Province, but on account of various reasons they do not possess sufficient strength and influence to hold their own against other classes. They must, therefore, have at least two special representatives as suggested above.

After land-holders, Muhammadans and Sikhs, having secured special representation I think the remaining seats should be intended to be filled chiefly by representatives of non-agricultural, urban, and educated classes, among whom Hindus bulk largely. The system of election should be so devised as to secure the interest of these classes, but at the same time it must be an election perfectly open to all classes. In this connection I may state as my answer to the question raised at the end of paragraph 5 of the Punjab Government letter, that I am unable to understand what the objections are on account of

which it is thought necessary to question the right of the members of a special electorate to vote in the open elections also.

The meaning of the special representation which is considered desirable for land-holders and Muhammadans of all Provinces except Burma and for Sikhs in the Punjab is to guard weaker communities against being thrust aside by stronger communities, and the measure is, I believe, intended to supplement the results of open elections. The protected classes are not, I think, by the grant of special representation, deprived from anything which they enjoy on strictly equal terms with others. Consequently, I think, that they must not be excluded from or handicapped in the open elections. To disallow the special electorate whether of Muhammadans or land-holders, to take part in the open elections, would effect a serious decrease in the relative strength of the whole community in competing with others in the struggle for the undenominational seats, because the loss of its best and most influential men chosen to form the special electorate will in many ways be irreparable. I, therefore, consider that members of special electorate of Muhammadans and land-holders both must not be prevented from taking part in the open elections. So much will suffice for this side issue.

Now coming to main points under discussion, the experience of open elections in the past has shown that the Hindu non-agricultural class will be most successful in the election for seats under C (1). As this class must also have adequate representation, and it is, in my opinion, of a fairly uniform character for all political purposes and its minor sub-divisions are of no great importance individually, I think its interests will be best served by having no "fixed rule determining the proportion of seats to be allotted to each class" under head C (1).

(10) and (11). The election of two members under head C (1) should be, in my opinion, through municipal and district boards.

I do not think there is any need to grant a special right of representation to the Punjab University. It represents no particular interest, and it is not advisable to introduce a political element into a body which is constituted for purely educational objects. If at any time His Honour the Lieutenant-Governor finds a desirable person in the Province, particularly fitted to represent the views of the educated classes on public matters, there will be ample scope for his appointment to any one of the seats to be filled by nomination.

I advocate separate representation of classes in the municipal and district boards.

For this purpose the people of this Province can be divided into only two classes, agricultural and non-agricultural. And each of these two classes can be sub-divided by religions, (1) Muhammadans, (2) Hindus, and (3) others (to include Sikhs, Christians, etc.) No more details are necessary, and this classification would, I believe, prove quite sufficient for all particular purposes.

Jagirdars and muafidars should be included in the class of agriculturists, and the non-agricultural class will comprise commercial, industrial, and professional classes, retired civil and military officials, lawyers, etc. These different sections of the non-agricultural population are not numerous or important enough to form separate classes of their own, and therefore they must be amalgamated to form one big class for the purposes of representation. Besides, their interests and sentiments too are much the same as long as the religious differences or rather pretexts and prejudices are not intentionally brought into play. A similar classification can be made in other Provinces after having due regard to the internal circumstances of each Province.

The Councils, Imperial and Provincial, cannot contain a sufficient number of seats for separate representation of each of the six divisions of the population suggested above, but I am decidedly of opinion that in district boards and as far as possible in municipal committees also a fixed proportion of seats should be assigned to the classes mentioned above. I have had no experience of the practical working of district boards and municipal committees, but I think their electorates, divided into the above-mentioned groups, can be formed as suggested in the Government of India letter by fixing for each group an appropriate franchise for each district in terms of land revenue, rent, or income-tax. Each group should elect its representatives of a fixed and defined personal qualification to fill some of the number of seats allotted to it. The rest should be filled by the district officer by nomination of suitable men out of the section to be represented.

There must, in my opinion, be a number of seats to be filled by nomination because many native gentlemen of position and ability, who dislike presenting themselves as candidate for election, will be found ready to be appointed by nomination. In any case, it is, I think, necessary to a limited number of seats to be filled by the choice of the district officer.

The restriction suggested in paragraph 22 (c) of the Government of India letter that only literate persons should have the right to vote is, in my opinion, totally inapplicable at least for the present to this province. The other condition laid down by the Government of India that elector should elect representatives (literate only) from among themselves is of course perfectly right.

The municipal and district boards thus constituted should either each or both together (as the local Government may by a rule fixed for each district direct) elect from

among themselves a fixed number of representatives of a defined social status and education qualification without any restriction of caste, creed, or profession. These district representatives should similarly elect representatives for the division, and the latter should elect members for the Provincial Council.

As regards the representation of landholders and Muhammadans, I have expressed an opinion that His Honour the Lieutenant-Governor should himself select suitable men for the council out of the elected representatives. I do not consider this suggestion applicable to the appointment of two elected representatives under head C (1), because I think that this share of seats in the council is a concession particularly in favour of those who advocate out and out election and are opposed to nomination of any sort whatever; and these people should be given an opportunity, at least tentatively, to elect by their own desired method, if they can, suitable men who will represent their views and interests.

I am also of opinion that the interests of big towns having population of one lakh or more, such as Lahore, Delhi, and Amritsar, be separately represented by rotation in the Provincial Legislative Council by adding one or two seats for such towns.

IV. (12) I have already answered this question in my reply to question no. III (6).

V. (13), (14), and (15) I for my part do not consider that the discussion of the Budget whether as a whole or by separate heads can be of much practical advantage at present. I think the people of India generally are not sufficiently advanced and capable of taking an intelligent and useful part in such matters. I have the same opinion as regards the power of interpellation by members which the experience already gained has hardly shown to be of much profit.

I recognise the educative value of these measures, and I am of opinion that the Punjab is not so particularly backward or different from the rest of India that might be excepted in respect of these measures from what is decided upon in case of other provinces.

PATIALA:
The 14th November 1907.

KH. SAYAD MUHAMMAD HUSSAIN.

Dated Patiala, 1st November 1907.

From—RAI BAHADUR GANGA RAM, C.I.E., (late of Punjab P. W. D., retired) Patiala,

To—The Political Agent, Phulkian States and Bahawalpur.

I beg to acknowledge receipt of your no. 3116 of 3rd October 1907, forwarding, for my opinion, the proposals of the Government of India, together with the Punjab Government's suggestions for giving the people of India wider opportunities of expressing their views on administrative matters.

2. In reply, I beg to state that, having spent the whole of my life in Government service, I have never taken any part in politics, but as I have been an *ex-officio* member of several municipal and district boards, I have had opportunities of observing the practical working of local self-government as already granted by Government through these institutions.

3. In my humble opinion the state of education of the masses together with the divergence of religions and creeds which practically guide our actions, social as well as political, do not justify any further extension of self-Government. Indeed I may boldly say that political teachings have gone far ahead of our advancement in commerce and industries and science and agriculture.

4. Even in the present institutions it is no secret now that the district boards are practically run by Deputy Commissioners. Members not being educated enough to understand the responsibilities and powers take no intelligent interest in their working.

5. In municipalities, the system of election has signally failed, the right of voting is not exercised according to the dictates of voter's conscience, and all sorts of malpractices are resorted to. I have known cases where most desirable candidates (in point of leading and light) have been defeated by illiterate men, simply because the latter could stoop to all sorts of devices to canvassing in order to secure votes in their favour.

6. Nevertheless the present system does require modification, and taking the above circumstances into consideration, I submit a new scheme of my own which will, I believe, meet the objects of Government and yet be the *real* and practical means of educating people in local self-government.

7. My scheme is, to put briefly, as follows:—

Let each district have three district Chambers—

(*a*) District Chamber of Law;

(*b*) District Chamber of Commerce and Industry;

(*c*) District Chamber of Agriculture;

each to have 5 to 7 members according to the importance of that district, but they should be all nominated by Government, with due regard to the minority of a class or community in each district.

District boards to be abolished and absorbed into the Chamber of Agriculture. Municipalities to remain as they are; but their proposals for octroi and other taxes should be subject to the scrutiny of the Chamber of Commerce and Industries.

These 5 to 7 members (say, 6 in the average) of each district Chamber should form an electorate to elect 20 men for their respective Provincial Chamber, that is to say, there should be 3 Provincial Chambers to be called—

(*a*) Provincial Chamber of Law;

(*b*) Provincial Chamber of Commerce and Industries;

(*c*) Provincial Chamber of Agriculture.

For the word Provincial Chambers names of their Provinces might be more suitably substituted calling them Punjab Chamber of Commerce, so on, and so on.

8. The candidates for these Chambers should have certain qualifications which I need not specify, as these are matters of detail, but they may or may not be members of district Chambers. Election to these Chambers should by secret voting as done in the University for election of Members of Faculties, and those who could not attend should have the right of sending their votes in sealed cover to the Deputy Commissioner, or whoever is appointed to conduct these operations. Member of one Chamber should not be allowed to have a seat in the other Chamber. This should apply to both the District and Provincial Chambers.

9. These 20 members of each Chamber elected as above should elect (by ballot) their own president and two vice-presidents.

10. The president should *ipso facto* become member of the Imperial Legislative Council and the two vice-presidents members of the Provincial Legislative Council.

11. Thus the whole system will become thoroughly representative and Government will have their Advisory Councils in each Province.

12. Having thus briefly described the outlines of my scheme, leaving the details to be considered hereafter when general principles are accepted, I proceed to answer the questions laid down by Punjab Government:—

I. No, they will be mere figure heads, will hardly ever meet together, and their opinions will be individual opinions from which no satisfactory conclusion could be derived.

II. No, my scheme admits of all that is required of a Provincial Advisory Council.

III. The Imperial Legislative Council as sketched by Government of India will become unwieldy and should, in my humble opinion, be constituted as follows:—

(A) *Ex-officio* including His Excellency the Viceroy	9
(B) Additional officials	10
(C) One ruling Chief	1
(D) Elected members (3 from each province)	21
TOTAL	41

N.B.—Three from each province—one to represent each department as sketched in my scheme above:—

Punjab, together with Frontier Province	3
United Provinces	3
Bengal	3
Eastern Bengal and Assam	3
Central Provinces and other Chief Commisionerships	3
Bombay	3
Madras	3
TOTAL	21
(E) Retired native officials	2
(F) Experts	2
TOTAL	45

His Excellency the Viceroy to have a right of veto on all Acts of the Legislative Council.

III. (4) This is satisfactorily met in my scheme.

(5) Decidedly yes, but a member thus appointed will have the serious responsibility of representing the needs of agriculture in his Province, hence the one who pays the biggest revenue need not necessarily be the most qualified person to give an opinion on agriculture. I have known cases of very big landlords who could not tell how much ground would be covered by a bigha, who indeed could not give the names of spring and autumn crops.

A person to represent landed interest should be nominated by Government with due regard to his qualifications, the interest he may have shown in the subject, and practical improvements he may have made in agriculture.

(6) No, my scheme will give adequate scope for representation of minorities.

IV. The number in the Punjab should be—

His Honour the Lieutenant-Governor	1
Chief Secretary	1
Chief Judge	1
Financial Commissioner	1
Retired officials	2
Non-official members	6
To represent Law	2
To represent Commerce and Industry	2
To represent Agriculture	2
TOTAL	12

His Honour the Lieutenant-Governor to have a casting vote and to have a right of veto.

(8) If my scheme is adopted the right of election is there, if my scheme is not adopted, then by nomination.

(9), (10), (11) and (12) are all sufficiently answered in my scheme.

V. (13) The Imperial Budget should, in the first instance, be sent to Advisory Councils (Provincial Chambers) for any suggestions they might have to make, and then forwarded through local Governments to the Imperial Legislative Council. After this the procedure laid down in Government of India's paragraph 23 might be followed.

(14) Yes, but the Advisory Councils (Provincial Chambers) should get the opportunity of expressing their views, before it is discussed in the Provincial Legislative Council.

(15) Yes.

13. In conclusion I may add that the basis of my scheme is nomination, see paragraph 7, and I am strongly of opinion that the start should be made by nomination only, but later on if Government thinks proper to extend the system of election to district Chambers, it can be easily done by forming electorates as under:—

For Chamber of Law.—All legal practitioners and Government servants up to a certain limit.

For Chamber of Commerce.—Members of municipal committees and all tradesmen paying a certain income-tax.

For Chamber of Agriculture.—All zaildars and revenue officials up to a certain limit.

GANGA RAM,

(*Late of Punjab P. W. D., retired*), *Patiala.*

No. 84, dated "Villa Carignano," Mashobra (Simla), 1st November 1907.

From—SARDAR RIPUDAMAN SINGH of Nabha,

To—The Political Agent, Phulkian States and Bahawalpur, Patiala.

In reply to your letter no. 3116, dated the 3rd ultimo, I herewith enclose a letter containing my opinion regarding the new constitutional reforms proposed by the Gov-

ernment of India, which please forward in original to the Chief Secretary to the Government of the Punjab, and acknowledge the receipt and oblige.

RIPUDAMAN SINGH,
of Nabha.

Dated Simla, 1st November 1907.

From—SARDAR RIPUDAMAN SINGH, of Nabha,

To—The Political Agent, Phulkian States and Bahawalpur, Patiala.

With reference to your letter, dated the 3rd October, forwarding, for my information, a copy of the letter, dated the 27th September, from the Chief Secretary to the Punjab Government, to all Commissioners, together with its enclosures, regarding the new constitutional reforms proposed by the Government of India and asking my opinion about the same, I have to write to say as follows:—

As regards the Imperial Advisory Council, I generally agree with the proposals of the Government of India, but I beg to offer a few observations. It is stated that (1) the Governor-General will consult the members of the Imperial Advisory Council, either individually or collectively; (2) that they will occasionally be called together either in whole or in part for the purpose of collective deliberation; (3) that they will possess no formal powers of initiative; and (4) that the Imperial and Provincial Advisory Councils will receive no legislative recognition.

Now, as regards the first and second point, I beg to say that though His Excellency may have of course full right to consult the members, individually, I think it would be much better to call the meetings of the Imperial Advisory Council regularly every winter in Calcutta, like the meetings of the Imperial Legislative Council, and that His Excellency the Viceroy should graciously preside over them, just as it is proposed that in the case of Provincial Advisory Councils the head of the local Government himself will preside over the deliberations. This will involve extra trouble, but the object is worth the trouble and inconvenience. I fully agree with the observation that "the Government of India attach the highest importance to collective deliberation, since the opinions thus obtained are different from and more valuable than those elicited by individual consultation." And at least for this reason it seems necessary that meetings of the Imperial and Provincial Advisory Councils should be called regularly.

As regards the third point, I beg to suggest that both the Imperial and the Provincial Advisory Councils should have the power of informally submitting their proposals and opinions to the supreme and the local Governments, respectively, as the case may be, on questions of important public interest that from time to time may arise, *i.e.*, even on those matters about which they have not been formally consulted.

As regards the fourth point, these councils should, in my opinion, receive some sort of legislative recognition, and should be invested with some sort of formal work and responsibility; for, unless this is done, I am afraid, though they might remain as an ornament to the supreme and the local Governments, they would be of little or no real use both to the public and the Government, and after some time the whole scheme might fall through, and the object for which the councils are now constituted would not be attained. Besides, it would be highly politic, I think, to give publicity to the fact that the Government is consulting the people's representatives on the Advisory Councils, and this object, I am afraid, will be defeated if the said council does not formally meet for discussion of, and deliberation on, important public affairs, if its proceedings are always confidential and informal, and if it has no powers of initiative.

Coming to the proposals regarding the Imperial Legislative Council, in my humble opinion it would be most unfortunate and undesirable to introduce racial feeling in this scheme or to give any sort of prominence to any particular community. This would cause great heart-burning among other communities.

Under paragraph 12 of Government of India letter, I strongly object to the proposal that in the Viceroy's Council two members should be elected by the members of a certain community, and that out of four non-officials to be nominated by the Viceroy two seats at least should be filled by members of the same class. Thus four seats will exclusively be the monopoly of a certain community, while no such provision is made for the other communities like Hindus, Parsis, Jains, and Sikhs. The reason given by the Government for this proposal is that the Muhammadans form a minority and that their interests should be safeguarded. Now as for minority, the Sikhs form even a smaller minority numerically than the Muhammadans, and yet no provision is made for their representa-

tion. When no provision is made for other communities, it does not seem fair to favour one particular community and to give it special prominence. The same reasons apply to paragraph 17 of Government of India letter, as to the proposal that a certain number of seats should be exclusively reserved for and filled by members of a particular community in the Provincial Legislative Councils.

The Government of India in paragraph 19 itself admits that as in two of the seven Provinces with Legislative Councils the followers of Islam constitute a majority, therefore a certain number of Muhammadans may also be returned to the Imperial Council under sub-head (*b*), head (D), head I apprehend that perhaps they have overlooked the fact that in the same way under sub-head (*c*) of head (D) a certain number of Muhammadans may also be returned to the Imperial Council. Therefore if the proposals, as they now stand, are finally sanctioned there would be a great preponderance of Muhammadans in the Imperial Council, and perhaps at times this number might be as much as three-fourths of the whole non-ifficial Indian members. Therefore, in my opinion, in paragraph 12, head (D), sub-head (*d*), two seats, and the four seats under head E, *i.e.*, altogether six seats, should be reserved for nomination by the Viceroy, and there should be no such distinction as is mentioned therein. The Government of India, in the concluding portion of paragraph 17, itself admits that Indian gentlemen of position sometimes refuse to offer themselves as candidates to an electorate, and even for this reason, as I have suggested above, the six seats should be reserved for nomination by His Excellency the Viceroy.

I have read, with great pleasure and satisfaction, in Mr. Maclagan's letter that the Government admits the fact that the Sikh community is of the greatest importance and "that it should be considered whether any and what measures are necessary to ensure its adequate representation," and also that "too much importance must not be attached to these statistics as the interests represented by a given class are often important out of all proportion to its numerical weight." I am fully confident that the rights and privileges of the Sikhs, who have always proved themselves firm supporters of Government, who are not men of words but of deeds, who have fought the battles of their King under the burning rays of the sun and on snow-clad mountains, and who are always ready to lay down their lives for their beloved Emperor, will be fully safeguarded both in these Imperial and Provincial constitutional reform schemes.

I have noticed in Mr. Maclagan's letter that on page 2, in the list of land-owners of this Province, the Sikh land-owners are not mentioned at all. I attribute this omission to an oversight, and nothing else.

I have ventured to offer these observations and suggestions in the hope that they will receive due consideration at the hands of the Government, who say that they reserve to themselves the fullest discretion to modify their proposals in the light of comments and criticism which those proposals may elicit from the local Governments and the public.

RIPUDAMAN SINGH,
of Nabha.

No. 822, dated Bahawalpur, the 11th November 1907.

From—M. Rahim Bakhsh, President, Council of Regency, Bahawalpur State,

To—The Political Agent, Phulkian States and Bahawalpur.

With reference to your letter no. 3116, dated the 3rd ultimo, I have the honour to submit my opinion on the proposal made by the Government of India for giving the people of India more opportunities of expressing their views on the administrative matters.

2. I have discussed these suggestions with my colleagues and other officials of the State verbally.

3. I am sorry that I am one day late in submission of my opinion, but I assure you that I was very busy with other important matters of the State.

I hope that you will kindly excuse me for the delay.

RAHIM BAKHSH,
President, Council of Regency, Bahawalpur.

Opinion.

I. (1) The Imperial Advisory Council would be a boon to the people as it would be quite in accord with the old panchayat system of the country. I have nothing to add

to the proposals sketched out by the Government of India in paragraphs 4 and 5 of their letter regarding its constitution and duties, as it has been fully discussed in their letter, and I believe such constitution would be fruitful and fulfil the desires of the people.

II. (2) A Provincial Advisory Council composed of 20 nominated members would be quite enough for the Punjab; the land-holding classes and the high officials of the Native States should be a prominent factor of such council. There should be at least two ruling Chiefs, members of this council.

III. (3) It is quite appropriate to enlarge the Imperial Legislative Council, as in doing so more representations will be available. The introduction of ruling Chiefs should be made more liberally, as it would enable them to apply their capabilities to a very useful work. I would suggest two ruling Chiefs to be members of the Imperial Legislative Council, and to meet this the number of nobles and the great land-owners may be cut down to 6.

(4) The proposal of electing one member by the non-official members of each of the Provincial Legislative Council is suitable.

(5) I would prefer the system of nomination by the Punjab Government of one of the great land-owners of the Punjab for the Imperial Legislative Council to the system of election as the election would involve many difficulties.

(6) I quite approve the appointment of four Muhammadan members to the Imperial Legislative Council, of which two should be nominated by the local Governments (by rotation) in which the Muhammadan population forms a big part, and two to be nominated by His Excellency the Viceroy.

IV. (7) In my opinion the number of members of the Provincial Legislative Council might conveniently be increased to 15—9 officials and 6 non-officials.

(8) From my own experience of the municipal and local board election of this province I can safely say that the system of nomination is more secure and appropriate than the system of election.

(9) I would suggest three seats for the Muhammadans and three for the Hindus including Sikhs. I would not make any distinction between a Sikh and a Hindu, as there are intermarriages among them, and in some cases one brother is a Sikh and the other a Hindu. If, however, special representation is desirable, then I would suggest three Muhammadans and two Hindus and one Sikh in the Province.

(10) Already answered.

(11) Already answered.

(12) I would not elaborate any qualifications for the election of Muhammadans as I am advocating the system of nomination, and, in so doing, I believe, the Government will select most suitable men for their council.

V. (13) The system of the Budget in the Imperial Legislative Council sketched out in the Government of India's letter, paragraph 3, will be a great improvement to the existing arrangements.

(14) I do not think it necessary to place the Provincial Budget before the Provincial Council, as I believe they can only give an opinion on the Budget who compile it and deal with it; one debate in the Imperial Legislative Council is quite sufficient, as the Provincial Budgets also are part of the Imperial Budget.

(15) To grant the power of interpellation to the members of the Punjab Legislative Council would be advantageous, and there will be no harm to introduce this system in the council.

RAHIM BAKHSH,

President, Council of Regency, Bahawalpore.

No. 1-C., dated 12th December 1907.

From—J. McC. Douie, Esq., C.S.I., Commissioner, Rawalpindi Division,

To—The Chief Secretary to the Government of the Punjab.

Introductory.—With reference to your no. 2643—S., dated 27th September, on the measures proposed by the Government of India for giving the people of India further opportunities of expressing their views on public matters, I have the honour to submit the correspondence noted at the end of this letter, and to give my own opinion. I shall forward that of the Deputy Commissioner of Shahpur when it is received.

2. *Existing position.*—The Viceroy has hitherto had an Advisory Council composed partly of non-official members to help him in dealing with projects of legislation embodied in bills framed by the Government of India. The drapery of forms under which the business of that council is carried on does not change and hardly veils its real character. In the framing of bills the unofficial members have as such no part. The Provincial Legislative Councils follow the same model.

3. *Summary of present proposals.*—It is now proposed to greatly enlarge the Imperial and Provincial Legislative Councils, and to create in addition Imperial and Provincial bodies of councillors to advise the Viceroy and the heads of the great provinces, not only on the policies which it is intended to embody in bills, but also on any other important measures which may be submitted to them individually or collectively.

In the rest of this letter I shall follow the wording of Sir Harold Stuart's letter, and call these bodies Advisory Councils.

4. *Object and importance of Advisory Councils.*—The formation of such councils is to my mind the more important branch of the new policy. If fit men only are appointed, these councils should fulfil the object of their creation, to interpret the people to the Government and the Government to the people.

5. *Field of choice for councillors too narrow.*—It is suggested that the Advisory Council of the Viceroy should consist of 60 members including "about twenty ruling Chiefs and a suitable number of territorial magnates" of the different provinces. It is intended to "represent the views of the hereditary leaders of the people." The council is therefore to be an aristocratic body. I am wholly in accord with those who think that the existence of an aristocracy and its association in the work of administration is a source of strength to a country. I think that the council should consist mainly of members of ruling families and of men of high birth having a hereditary connection with the land, and that the other members should be persons of a social status such that no sensible chief or nobleman need disdain to sit with them in council. But I would not limit the Viceroy's choice to ruling Chiefs and territorial magnates: real leaders of the people are to be found who belong to neither class. There is, at least, in Native States an official as well as a landed aristocracy, and in it there exists the hereditary principle, which affects so deeply the best natures. There was in France before the revolution a noblesse of the robe, and there is one of a different kind to this day in England. Some of the Indian lawyers, who have served with distinction as Judges of High Courts, have surely been well fitted to advise the Government not only on legal matters, but on questions of administration affecting the welfare of their fellow-countrymen. The presence of ruling Chiefs on the council will be of great value, if it is clear that the merits of a Chief and not the size of his territory is the title to admission. It will be unfortunate if some of the largest States cannot furnish fit councillors in the persons of their rulers, but it would be worse if any one could repeat with regard to the council of the Indian Empire Lord Melborne's famous encomium on the Order of the Garter. In looking to Native States for councillors the claims, not only of the Chief himself, but of his near relatives and distinguished ministers should be considered.

6. *A council of 60 members too large.*—But, while I think the field of selection should be widened, I consider that the proposed number of councillors is much too large. A smaller council would really be a more weighty one. The position should be one of great dignity so as to be an object of ambition to the best man. The qualifications should be great influence maintained or attained by worthy means, marked independence of character, and that practical wisdom which is learned in the school of experience. It will, it seems to me, be extremely difficult to form a council of 60 in all of whom these three things will be found. Besides, if there are many councillors, nomination will confer little honour. I think a council of 20 or 25 members would be far better than a council of 60.

7. *Business of the council.*—I agree with the proposals in paragraphs 5 (2), (4), and (5) of Sir Harold Stuart's letter. I also agree with that in paragraph 5 (6) as regards advice tendered by the council as a body. But I attach even more importance to consultation with individual councillors than to collective consultation. Many of the questions with which the Government of India have to deal are of local importance or concern the interests of particular classes, and not of the people as a whole. In the case of consultation with individuals I would not provide that the first step must in all cases be taken by the Viceroy. I would allow every member the right to address the Viceroy on any matter of public importance, and I would give also the privilege of asking for a private audience for the purpose of further explaining his views. Of course no such audience should be claimable as a right. If the council should unfortunately at any time contain a busy body who abused the privilege, there would be no difficulty in repressing him.

In paragraph 5 (7) I think undue stress is laid on the privacy and confidential character of the council's proceedings. Of course the meetings should be private in the sense that press reporters should not be present, but real secrecy is little likely to be

secured with a council of 60 or even 25 members. When secrecy in any business is a matter of State necessity, it should only be discussed in the Executive Council or with individual members of the Advisory Council who can be trusted to comply to the letter with a request to treat a matter as confidential. For the rest the mystery which envelopes the actions of Government and the motives which underlie them is often in these days a source not of strength but of weakness.

8. *Provincial Advisory Council.*—What has been said above applies *mutatis mutandis* to the Provincial Advisory Council. I confess I do not see how a council of 20 members is at present to be formed in the Punjab, even if the representatives of the province in the Imperial Council are included. I should prefer a council of 10 or 12 persons. The Government of India do not propose that Provincial Councils should be constituted on the purely aristocratic lines which it seems to favour in the case of the Imperial Council, and I do not think that in this province a satisfactory council on that basis is possible. The Sikh rule, which preceded our own, brought many old Muhammadan families very low. The able men who moulded the early administration of the Punjab had little desire to restore them to their old position or to prop up the tottering fortunes of the great Sikh Sardars. I doubt the wisdom of the course they took, and their policy as a policy was short lived. But the effect of their action has been lasting. Besides there are large parts of the province where the original framework of society is really democratic and such aristocratic families as survived the strain of the periods of Indian and English rule which preceded the mutiny have in many cases failed to lead lives of real dignity or usefulness. That is not wholly their own fault, and it is our duty and our interest to foster any aristocratic elements that exist. But it is useless to pretend that the influence of men of rank and large estate is at present very powerful in the Punjab, or that many persons of that class possess all the qualities required for councillors. Other elements should be admitted, though the representatives of Native States and of the landed gentry should be in the majority.

The claims of the professional and commercial classes, of religious leaders, especially hereditary religious leaders, and of retired officials should not be overlooked. But personal fitness must be the final test, and I admit that it may sometimes be difficult to find suitable representatives of all the classes just named. When, as at present, we have a fit representative of the unofficial European community he should certainly have a seat.

9. *Difficulty arising from artificial constitution of Legislative Councils.*—In dealing with the question of the remodelling of the Legislative Councils, it is difficult to leave out of account the artificial character of their proceedings. The forms of free debate and free voting have been adopted, though every one knows that, so far as official members are concerned, neither is a reality. I do not believe that on these lines permanent satisfaction can be given even to the classes which the Government rightly consider have been hitherto too little represented in the Imperial Legislative Council. Intelligent members of these classes will for the time being be gratified by the enlargement of the council and the fuller opportunity which will be given them of making their wishes known. But the larger and more representative the council, the more anomalous will the contrast between its real and its apparent constitution appear, and the more irritation will be felt on any occasion on which the votes of unofficial members are overborne by the deadweight of a mechanical official majority. Sensible men will admit that in India the will of the Government must prevail in legislation as in all other important matters. But that will not prevent irritation in concrete cases, and will give opportunity for adverse criticism, virulent but not always wholly insincere, in the Indian press.

10. *Possible change of procedure.*—I believe a procedure could be devised which will frankly recognise the fact that the real legislature is the Viceroy and his Executive Council, and that the function of the so-called Legislative Council is advisory, and which would at the same time increase the real influence of the latter. If the action of the council was not final, the official members representing the different provinces could be allowed freedom of speech and vote, and the unofficial members might hope to influence their action by their arguments. The permanent retention of the principle of an official majority would not be necessary, though it would be wise to adhere to it for a time. The official members not belonging to the Executive Council and unofficial members might for the present be equal in number, and the former might be re-inforced when any measure of legislation was under discussion only by that member of the Executive Council who was in charge of the Bill. He would preside, unless the Viceroy himself desired to be present, would speak and vote, and be Chairman of the Select Committee. Bills which had been discussed and voted on in the council could be reported to the Viceroy and his Executive Council, who together would be the final authority to decide whether the bill should or should not become law and what amendments should be accepted. It does all this in effect at present, but in a way which causes misconstruction and irritation. When notice of an interpellation had been given the member of the Executive Council, to the business of whose department the question related, would attend to answer it. The other members of the Executive Council only attend when the Budget was under discussion. In the same way the result of the free deliberations of the Provincial Council could be reported to the Government of India for final orders. Even now the action of a Provincial Council cannot make a bill law. The occasions

would, I think, be rare in which a Lieutenant-Governor would advise the Government of India to pass a bill rejected by a majority of members giving a free vote, or to refuse an amendment of which a majority of the members approved. A change of system such as that suggested above might at the present juncture be misunderstood and therefore be outside the range of practical politics. But it would really be more conducive than is their present constitution to the influence of Legislative Councils as a whole, and especially to that of their unofficial members. It would further make it possible in the future to alter the relative proportions of official and non-official members in favour of the latter.

11. It will be gathered from what is said above that I feel some doubt whether a council of 54 including 25 non-official members will be of much greater value as an instrument of Government than is the present Legislative Council of the Viceroy and whether the proposals now made will in the end prove satisfactory to the part of the Indian community which concerns itself with these matters. Debates will be much longer, but will be no more real than they are at present. But an enlargement of the council is now inevitable, and I admit that the proposals possess two advantages. They secure a fuller representation of classes whose voice has been too little heard and thereby make it less likely that we shall have frequent unhappy examples of a unanimous vote of the unofficial members against proposals supported by the Government. It is inconvenient that the enlargement of the councils should withdraw a larger number of high officials from their ordinary duties, but any enlargement of the councils, while their present constitution is unchanged, must involve this.

12. *Constitution of the Imperial Legislative Council.*—I approve of the proposal to have 25 non-official members as a maximum. While I fully appreciate the importance of associating ruling Chiefs more closely with ourselves in the work of administration, I do not think it should be obligatory to nominate one of them as a member of the Legislative Council of the Viceroy. I am not sure that the greatest Chiefs would care for a seat. Their proper place seems rather to be on the Advisory Council. I think that the privilege of electing a member now enjoyed by the Chamber of Commerce of Calcutta should be extended to that of Bombay. I would allow the non-official members of the Provincial Legislative Council of the Punjab and the members of the Provincial Advisory Council jointly to elect a member. An elective body consisting only of members of the former would to my mind be too small. I am wholly opposed to the election of a member by the great land-owners of the Punjab. No satisfactory electorate could be formed. If payment of a large amount of land revenue is the qualification, I fear the list of electors will include persons who in no sense belong to the aristocracy or represent the old land-owing classes. If on the other hand the right of election were given to Provincial Darbaris, no Muhammadan would have a chance of being chosen to represent a province which contains a majority of Musalmans. Another objection to finding an electorate in the Darbar List is that many of the electors would be persons possessing very little real influence, and that some of them would be persons of small education and others not of the highest character. In the case of the Punjab the representative of the land-owning classes should be nominated by the Lieutenant-Governor. I would provide that the nominations made should be alternately of (*a*) Muhammadan, (*b*) a Hindu or Sikh. The number of Hindus and Sikhs in the province is not far short of the number of Musalmans.

I would club together classes C, D (*d*), E, and F, and provide that nine members shall be appointed by the Viceroy, of whom at least one-third shall be Musalmans. As regards the two Muhammadan members referred to under D (*d*) the turn of the Punjab would apparently come round once in six years, if members are appointed for a term of two years. Any attempt to form a Muhammadan electorate in this province seems to me most undesirable. A Muhammadan should be nominated by the Lieutenant-Governor for the approval of the Viceroy. While three of the nine members to be appointed by the Viceroy should be Muhammadans, I think His Excellency should have a perfectly free hand as regards the choice of the other members. His choice would naturally fall on retired Indian officials and on men eminent in the legal, medical, or teaching professions. I certainly would treat retired officials as eligible, for the class is one which should always be able to furnish men of high character, experience, and sober judgment who are fully in touch with their fellow countrymen.

13. *Possible electoral bodies.*—If election is to be resorted to for the choice of the members to represent the Punjab under class D (*c*) I can only suggest that the electoral body should consist of—

(*a*) Land-owners paying land revenue exceeding Rs. 5,000 per annum;

(*b*) Jagirdars, the value of whose assignments exceeds Rs. 5,000 per annum.

It appears that (*a*) includes 35 persons, of whom 6 are Hindus, 4 Sikhs, 18 Muhammadans, and 7 Christians.

The number of large Christian land-owners is quite out of proportion to the importance of the small Christian community in the Punjab.

For the election of the Muhammadan member to be sent from the Punjab an electoral body might be formed consisting of—

(*a*) Muhammadan Fellows of the Punjab University.

(*b*) Muhammadan land-owners paying over Rs. 2,500 per annum as land revenue.

(*c*) Muhammadan jagirdars, the value of whose assignments exceed Rs. 2,500 per annum.

(*d*) Muhammadans paying income-tax on an income exceeding Rs. 10,000 per annum.

As already noted, I do not advocate the formation of these electoral bodies.

14. *The Provincial Legislative Council.*—I would increase the number of the members of the Provincial Legislative Council to fifteen, or including the Lieutenant-Governor to sixteen, providing that seven of the members shall be non-officials. I do not think a larger council desirable. The choice of even four suitable non-official members in the past has not always been free from difficulty. I consider that all the members should be nominated by the Lieutenant-Governor. I am opposed to any fixed rule determining the proportion of seats to be allotted to each class. With nomination by the head of the Government no need for such a device arises. I think municipal committees and district boards are quite unfit to elect members of a Legislative Council. I cannot suggest any satisfactory electoral bodies. Something might be said for a plan by which the members of the Senate of the University were allowed to nominate three persons, out of whom the Lieutenant-Governor should select one. In the same way the Chambers of Commerce in Lahore and Delhi might nominate three or four persons, one of whom would be chosen. It would have to be settled whether each Chamber of Commerce should make its nomination separately. I understand the two bodies are not on the best of terms. I only mention the above as possibilities. For the present I advocate that the whole business of appointing members should be in the hands of the Lieutenant-Governor. I am not in favour of the separate representation of Muhammadans. Under the system I advocate they will obtain proper representation.

15. *Budget discussions and interpellations.*—I would in the Imperial Legislative Council adopt the plan for the Budget discussion advocated by the Government of India. I think in the case of Budget discussions the members of the Advisory Council might sit with the members of the Legislative Council. I would allow a discussion of the Budget by the Punjab Legislative and Advisory Councils sitting together. For the present a general discussion of the whole Budget should suffice. I do not know that any very valuable results have hitherto flowed from the right of interpellation enjoyed by members of other Legislative Councils. But interpellation can be used as a means of giving greater publicity to the actions of Government, and there is no reason why a right enjoyed by members of other councils should be denied to councillors in this province.

I have, &c.,

J. M. DOUIE,

Commissioner, Rawalpindi Division.

Enclosures.

No. 1750, dated 12th November 1907, from the Deputy Commissioner, Jhelum, with enclosures.

No. 4356-G., dated 13th November 1907, from the Deputy Commissioner of Attock.

No. 247, dated 20th November 1907, from the Deputy Commissioner of Gujrat, with enclosures.

No. 500-G., dated 27th November 1907, from the Deputy Commissioner of Rawalpindi, with enclosures.

Opinion by Khan Abdul Ghafur Khan, Khan of Zaida, Divisional Judge.

No. 1750, dated 12th November 1907.

From—Major H. S. Fox-Strangways, I. A., Deputy Commissioner, Jhelum,

To—The Commissioner, Rawalpindi Division.

With reference to your circular letter no. 2517, dated 3rd October 1907, forwarding copy of Punjab Government letter no. 2643-S. (Home—Legislative), dated 27th September 1907, and enclosures, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters, I have the honour to forward my opinion on the subject.

I. (1) *Imperial Advisory Councils.*—The first paragraph of the Government of India letter makes it clear that the question of giving the people of India wider opportunities of expressing their views has been taken into consideration by that Government on its own initiative; in other words, the Government of India does not recognise that there is a demand by the "people" for such opportunities, whatever the demands of a certain class may be. This is undoubtedly the case in rural areas. In consulting the more intelligent of my visitors, I have always adopted the plan of asking them to describe the present system of Government to me, and have invariably found that, as was to be expected, they were sublimely ignorant of the functions and even of the existence of the various parts of Government from the Secretary of State to the Provincial Legislative Councils. Discussion of this important question was, under these circumstances, necessarily somewhat one-sided, and I was reduced to explaining the proposals of the Government of India, stating my own opinion, and asking them if they agreed. This of course they usually did, but not invariably, and one of the exceptions (Khan Bahadur Raja Aurangzeb) was so much in earnest in his dissenting views that I recorded our conversation as nearly as I could *verbatim*, and have ventured to attach it as an appendix to this report. I trust that this document will not be thought too frivolous for consideration in connection with a serious subject, for in no better way, I think, can the point of view of a very influential section of the public be represented; I refer to the experienced retired official. The opinions expressed below therefore are not entitled to any weight as reflecting local opinion. It is asserted that the scheme now proposed would be in accordance with the best traditions of oriental polity which have always recognised that the sovereign, however absolute, should make it his business to consult competent advisers, and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of his people. The place of the absolute sovereign having been taken by a benevolent but foreign bureaucracy, the necessity of seeking the advice of competent advisers is more urgent. The question is how and from whom should such advice be sought. At present no measure of importance is undertaken by the Imperial Government until the views of local Governments have been expressed, and the local Governments do not express their views until they have gauged local opinion through local officers. I am very strongly of opinion that it is at this stage that the people should be given an opportunity of expressing their views. Local officers do, no doubt, strive to reflect local opinion when reporting on contemplated measures, but it is difficult for those they consult to give well weighed opinions on matters which they have not perhaps specially studied in desultory conversations. I think that the proper solution of the question "How should advice be sought?" is to be found here. What is required is to give local opinion a status and recognized channel of expression. This could be done by creating local Advisory Councils to whom references, especially those which effect the daily life of the people, could be sent for opinion. It is unnecessary here to discuss the manner in which such councils should be constituted, as they are not contemplated in the letter of the Government of India and they are only suggested as an alternative method of learning the views of the people of India to that put forward by the Government of India, and I submit a more direct method. It appears to me impossible to conceive a great central Advisory Council which will really represent the views of the people of India. The twentieth century ruling Chief or territorial magnate may be as competent to collate opinions and give them expression as a Secretary to Government, but, I maintain, he is not in touch with nor would he represent the interests of the men who pay the revenue and fight the battles of the Government of India. I do not therefore consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country.

II. (2) *Provincial Advisory Councils.*—The reply to the first question should be read with the reply to this. If the necessity of recognizing local opinion and encouraging and solidifying it by the creation of local councils is admitted, such assemblies should be constituted of fair average representatives of the districts, and there would be no place in them for the great territorial magnates, non-official Europeans, and representatives of other interests who would fairly claim that their voices should be heard.

I think that a Provincial Advisory Council of the nature indicated in paragraph 6 of the Government of India letter would be a useful institution. I would however make it very much larger and more representative than is contemplated in paragraph 4 of the Chief Secretary's letter. The Provincial Advisory Council should, in my opinion, be able to give the ultimate expression of the views of the aristocracies of birth, brain, and money of the province on matters that affect the province. I would go further. There are certain measures, recent instances could be cited, which are enacted entirely in the interests of the people, and in which Government only has the indirect interest of the people's welfare. If a responsible Advisory Council opposes such measures by a sufficiently large majority, I maintain that they should not come before the Provincial Legislative Council until they had again been reported on by local officers after consulting local opinion. Unless Provincial Advisory Councils are given this measure of legislative authority, that is a limited *veto*, I am of opinion that they will entirely fail to satisfy the legitimate aspirations of the educated classes of the people, and that their creation will render the Government open to the imputation of insincerity.

My reply then to the second question is that I think Provincial Advisory Councils would be useful institutions if they are made sufficiently representative and are permitted to exercise limited rights of *veto* on legislation that purely affects the interests of the people of the province.

III. (3) *Imperial Legislative Council.*—The proposal of the Government of India is to quadruple the Imperial Legislative Council while maintaining the official majority. I am opposed to any enlargement of the council. The working members of it will always be the members of the Viceroy's Executive Council. I doubt very much whether the proposed enlargement would result in anything but a grievous waste of time, and it is difficult to imagine where the twenty additional official members are to come from. This latter point is not touched on in the Government of India letter, but presumably they would be men of some standing, and, as it would be impossible to find the members at Simla or Calcutta, they would have to be drawn from other provinces, and the public service would be seriously disorganised.

(4) No.

(5) No.

(6) No. I disapprove of the principle of election in connection with oriental Government. I hold that it is entirely foreign to the traditions of any Eastern nation, even where the nation is democratic, *e.g.*, the trans-border tribes of the North-West Frontier, and that it has proved a dismal failure in the shape of local self-Government in India. If the principle is insisted on, the franchise should only be extended to persons nominated by the paramount power or its officers, and there should be no qualification, whether educational, financial, or social. My reply to the second question indicates the legitimate share of legislative power to which the representatives of the people of India are, in my opinion, entitled.

IV. (7) *Provincial Legislative Council.*—I would leave the Punjab Legislative Council as it is, except that, as noted above, I would give the proposed Provincial Advisory Council a limited power of veto on legislation that involved the interests of the people of the province alone.

(8) I would maintain the present system of nomination.

(9) I am of opinion that the Lieutenant-Governor should not be tied in any way as to the class from which he may nominate non-official members to his council.

(10) If election is resorted to at all, the very worst basis would, in my opinion, be the municipal and district boards. The suggestion appears positively dangerous. If it is decided that the non-official members of the Provincial Council should represent different classes in certain proportions, then the electorate for each class should consist of persons of that class who are nominated as voters by Government. The number of nominated voters might be distributed through the districts on a census basis. An essential qualification of a candidate for election would be the approval of the local Government that he was a fit person to represent his class.

(11) I do not; but if it is to be, I would strongly deprecate the agency of municipalities being used in any way unless the constitution of these bodies is fundamentally remodelled. This can only be done by abolishing the elective principle, and even then I doubt whether it would be possible to find men in the smaller municipalities fit for nomination if that nomination carried with it the right to vote at elections for membership to the Provincial Council. The members of the district boards are, of course, very much more respectable than those of municipal committees, but many of them are ignorant and quite incapable of exercising the right which it is proposed to give them with discretion. I much prefer the personal nomination of voters suggested in the answer to the previous question.

(12) I do not. If special provision is made for Muhammadans, it should be by nomination. If they are to be elected, it should be by a special electorate of nominated Muhammadans as indicated above.

V. (13) *Discussion on the Budget in the Legislative Councils.*—Yes. The present system is quite infructuous.

(14) Yes; by separate heads.

(15) No. I think that the power of interpellation is very much abused in the Imperial Legislative Council at present, and that its introduction into the Punjab Legislative Council would be inexpedient.

H. S. FOX-STRANGWAYS,

Deputy Commissioner, Jhelum.

APPENDIX.

Report of conversation with Khan Bahadur Raja Aurangzeb Khan, retired Extra Assistant Commissioner.

"Salaam Raja Sahib. I am glad you have come to see me to-day as I want to ask your opinion about this new scheme that the Government is proposing."

"What new scheme Sahib? Is a new law being made for the Punjab? I think we have enough laws."

"Well not exactly, but I suppose you don't see the newspapers?

"*Tobah* Sahib. Why should I?"

"Well the matter is this. The Lord Sahib thinks that the people should be consulted more before the laws are made, and he proposes to give them a chance of giving their opinions, but before I ask you your opinion on the scheme I should like to know whether you think the present system seems to want improvement."

"I don't quite understand, Sahib. The Sarkar is well meaning."

"Yes, but I mean do you understand who makes the laws by which you are governed now."

"The Sarkar makes the laws."

"But what is the Sarkar? You have heard of the Legislative Councils at Simla and Lahore."

"Oh, of course."

"Do you know who the members of these councils are?"

"Not exactly. There are some native members who sit with the Sahibs and say 'han,' 'han.'"

"Well, perhaps, I had better try and explain the Viceroy's scheme to you and then we will discuss it.

"The system of Government at present is this. There is the Emperor in England with two parties who are elected by the people. Sometimes one party is larger, and sometimes the other. The larger party has a representative who advises the King, and he is called the Secretary of State for India."

"Oh yes, Sahib, I have heard of him. He is Sir John Morley."

"More or less. Then he has a council. Then in India there is the Viceroy with an Executive Council which is the Government of India, and that is the real Sarkar. But for the purpose of making laws the Viceroy has a larger council called the Legislative Council, and, as you say, there are some native members in that. In the same way in the provinces there are Governors or Lieutenant-Governors, and they have little Legislative Councils to help them to make laws. Now the Viceroy first of all proposes to make some more councils to help him to know what the people think. He suggests having a big assembly which is to be called the Imperial Advisory Council and to consist of 60 members, 20 of whom are to be ruling Chiefs and the rest big zamindars. This council is only to give advice when asked for it, and not to have any power. Now, Raja Sahib, what do you think of that idea?"

"Let me think, Sahib, I am rather confused with all these 'Councils.' You say the Lord Sahib wants another 'Council' made up of Rajas and zamindars. First, who would the Rajas be? There is Patiala in the Punjab, and he is a boy, and Bahawalpur is dead, and Kashmir. Well! Oh, but there are others, and the zamindars would be the more important people."

"The zamindars. How would they be selected?"

"That's the question. How would you select them?"

"Sahib, if you ask the truth, I would say do not mention the name of councils. What good will they do to the people? The Sarkar is well meaning as I said, but it will do what it thinks right if there were fifty councils."

"That's just it, Raja Sahib, and you may be very sure that it will in this instance too, whatever you and I may think about the matter. The Viceroy has proposed this scheme, and Morley Sahib has approved it, so that all sensible men will understand that it is useless to condemn it wholesale. What we have to do is to examine it and see if we can suggest weak points. One suggestion is that all land-holders who pay more than Rs. 10,000 per annum land revenue should vote for members for the Advisory Councils. What do you think of that?"

"It is no good, Sahib. I say again, do not mention the name of councils."

"Well, you old Tory, suppose I explain my own views, you will at least tell me whether you think there is anything in them."

"Certainly."

"I think myself that the present system is a very good one. But it is quite true that the Sarkar sometimes makes mistakes in legislating for the people, because the people who finally make the laws do not live with the people who are affected by them. The Viceroy never makes a new law without asking the advice of the Lieutenant-Governor, and the Lieutenant-Governor does not express his opinion till he has asked for the views of Commissioners who again consult district officers. Now you know that we always consult our visitors about any change that is proposed, but just as you say the native members of the Legislative Councils simply sit and say "han," "han," so you must admit most of our visitors do. I think the time to consult the people is when the proposal is being reported on by the district officer, and that if he had a little council composed of selected native gentlemen of the . . . . ."

"No, Sahib, consult us by all means, but do it secretly. It is not right to put people in opposition to Government. I will tell you the truth. The Sarkar is well meaning, as I have said, but it has made two fatal mistakes.

"First, it has given education to people unfitted for it; second, it has put the tenants above the land-lords. Now it wishes to put the kamins above itself. The Sarkar should never be a defendant. I will tell you a story, Sahib. When I was Tahsildar at Muzaffargarh about thirty years ago, there was an outbreak of cholera. There was a pond near the kutchery, and the Deputy Commissioner ordered me to have it drained, which I proceeded to do. When all the water was drained away the fishes were left, so I auctioned them for Rs. 8 and put the money in revenue deposit.

"The fishing rights had been leased by the villagers to a man for Rs. 20 and the lessee sued villagers for that amount. Abdul Aziz was the Munsif, and he said that the tank was drained by the Deputy Commissioner's order, and that the lessee should have the value of the fish in deposit, and dismissed the suit. The lessee appealed and the District Judge, who was a young Sahib, made the Deputy Commissioner co-defendant! The Deputy Commissioner was Gladstone Sahib! Of course, this could not be, so I arranged a compromise, but the whole scheme of Government would collapse if the Deputy Commissioner could be made a co-defendant."

"I quite agree with you, but as I said before, this council scheme is going to come whatever we may think, and I am trying to explain what I think might be done. If we had these little district councils that I suggest, they would be asked to give their opinion on any proposed measure and the Deputy Commissioner would report what local opinion was. But there are some men in nearly every district who are too big and influential to be members of the local council. I think that from them a Provincial Advisory Council might be selected to advise the Lieutenant-Governor. You know there are two sorts of legislation—that which affects the Sarkar and that which only affects the people. For example, the Land Alienation Act or Co-operative Credit Societies Act. I think that such measures should be sent to the Advisory Council I have suggested, and if a majority of that council disapproved of the measure it should not be put before the Legislative Council of the province until local opinion had again been called for."

"But how would you select the members of the Provincial Advisory Council?"

"Certainly not by election any more than I would the local councillors. I think the Lieutenant-Governor should select men of every creed and class from among influential men of the province, but not from among ruling Chiefs."

"No, Sahib, the Lieutenant-Governor should no doubt consult influential men of the province as you would in the district, but he should do it privately."

"But the Viceroy says that the sovereigns in India, however absolute, have always sought the advice of councillors.

"Yes, Sahib, but the councillors were appointed by them and dismissed by them when they gave advice that was not acceptable. The Sarkar seems to be seeking to set up an opposition, so that it may argue with it. What good? The councils would know that they had no power and would not give advice opposed to the suggestions of Government."

"Very well then, Raja Sahib, I understand that you are opposed altogether to the proposed Advisory Council, and would not have them in any shape or form."

"Yes, Sahib. The name of 'council' should not be mentioned."

"Then what about the Legislative Councils? The Viceroy proposed to increase his to 53 members."

"And they would be empowered to make laws?"

"Yes, but, as there cannot be two Kings in the country, the Sarkari members would be in the majority."

"Then there would only be more bakh, and the same result. The Sarkar would make the laws that seem right to them.

"And the Provincial Councils?"

"It is the same thing.

"I must admit, Raja Sahib, that you have not said "han," "han" to me this morning. Now is there anything that I can do for you?"

"There is one request, Sahib. In the matter of the Sub-Registrarship, &c., &c."

H. S. FOX-STRANGWAYS,

Deputy Commissioner, Jhelum.

No. 4356-G., dated Campbellpur, 13th November 1907.

From—B. N. BOSWORTH-SMITH, Esq., Deputy Commissioner, Attock,

To—The Commissioner, Rawalpindi Division.

In compliance with your circular letter no. 2517, dated 3rd ultimo, I have the honour to give, so far as I am able, answers to the various questions.

I. (1) Yes; but a limited power of suggestion would increase its use. The proportion of ruling Chiefs might well be reduced to 15, and that of territorial magnates to a like number.

The remaining 30 seats might then be distributed amongst the various provinces according to their importance and population. And the local Governments might be asked to recommend for the Viceroy's nomination (*a*) landlords paying over Rs. 2,500 land revenue, (*b*) presidents or members of big social or academical societies, (*c*) others whose learning abilities, public spirit, or service mark them out for such an honour.

II. (2) Yes; a limited power of suggestion might also be given. It would seem that nomination is more desirable for the Legislative Council, and that the ideal to aim at in Provincial Advisory Councils would be ultimately a system of election.

If persons paying Rs. 1,500 revenue or Rs. 3,000 income-tax were allowed a vote and one member were elected for the more important districts or for two small districts, this privilege would be appreciated by all thinking persons in the province. The very existence of such Advisory Councils may otherwise never become known to the majority of people.

III. (3) Yes; the words in paragraph 12-E of the Government of India's letter "not less than two to be Muhammadans" might easily be omitted, as the Muhammadan interest would appear already to be sufficiently guarded.

(4) Yes.

(5) Yes; by direct election; the electorates to be all persons paying Rs. 1,500 land revenue or Rs. 3,000 income tax. Fellows of the Punjab University, graduates, and legal practitioners of five years' standing.

(6) Yes, subject to the remark under III (3). They should be retained by election as suggested in (J).

IV. (7) Yes; to 15, excluding the Lieutenant-Governor—8 officials, 7 non-officials.

(8) Nomination.

(9) Non-official seats should be allotted to communities of one religion in proportion to their numbers in each province.

(10) Supposing election is adopted, the electorate should be the similar to that proposed in answer to III (5), subject to the restriction that no religious community should be represented out of proportion to its numerical strength.

(11) No; separate electorates would be unnecessary when the allotted number of one class is full. The candidate of any other class getting most votes would be considered elected.

(12) I do not think such provision necessary.

(13), (14), and (15) I can give no useful opinion. The native gentlemen whom I have consulted reply in the affirmative to all these questions.

B. N. BOSWORTH-SMITH,
Deputy Commissioner, Attock.

No. 247, dated 20th November 1907.

From—DIWAN NARENDRA NATH, M.A., Deputy Commissioner, Gujrat,
To—The Commissioner, Rawalpindi Division.

I have the honour to forward my answers to the questions formulated in connection with Government of India's letter no. 2310—2317, dated 24th August 1907, and to state as follows:

2. When I say that the changes proposed in the way of giving to the people of India a wider share in the councils of the Empire are desirable, I must not be understood to say that these reforms will remove all difficulties of administration. On the other hand, new difficulties will be created which will have to be faced and overcome. The spread of education, the more even distribution of wealth, and the equality of rights secured by Anglo-Indian laws, subverting class domination, have made the changes now proposed necessary. One cannot be, however, very sanguine as to how far these changes will meet the situation. To what extent it will be possible for Government to have regard for public opinion, how far the councillors, who will not themselves be burdened with the responsibilities of administration, will be able to co-operate with Government, remains to be seen. One thing which is necessary amongst others is that there should be a constant flow and inter-change of good feelings on both sides. Much has been said and written about the promotion of social intercourse between Europeans and Indians. Although the last 30 years have seen many social changes in the Punjab, and the next 30 years may see still greater changes, yet the fact remains that diversity of custom and habit between Europeans and Indians is very great. Another difficulty is that the classes most imbued with European ideas are just the classes whose political opinions are not shared by an average European officer. Further social changes will create further political aspirations, and this conflict will continue as long as the period of transition lasts, or in other words until there is complete assimilation, if such a consummation is ever to reach. Of the state of things that existed for some time after the annexation of the Punjab, and of the relation which then prevailed between the rulers and the ruled, I know something partly from tradition and partly from memory which relates only to the latter end of the period, when the old order started with the annexation was coming into decay. Owing to the adoption of the policy of John Lawrence, as opposed to that of Henry Lawrence, a severe shock was given to vested interests. Yet there was no discontent, no disloyalty. The reasons are manifold, but they can be summarised in two sentences. Those whose vested interests suffered got from the British Government what they wanted, and they were treated by British officers in a manner in which they liked to be treated. Besides, concessions and advantages were given which were unknown before the word "Inglis" for pension affords sufficient testimony of this.

3. The present discontent of the middle classes is mainly an economical question. It is impossible to restore the old state of things. I beg to invite your attention to copy of extract from a letter no. 2372, dated 26th October 1907, addressed by me to the Chief Secretary in connection with the decentralization scheme, in which I have made some suggestions, about meeting the pecuniary aspirations of some of the leading men of the middle classes. The proposal made therein may appear to be visionary, and working out of details may present some difficulties. But the main idea, in some shape or other, I submit forcibly, is worthy of adoption. Coming to the higher classes who are not troubled with the question of livelihood, there is no discontent amongst them, but there is a lot of grumbling.

4. Government can do nothing to promote social intercourse between Europeans and Indians. As to courtesy and general treatment strict orders already exist. What I think is needed, not with reference to the change of times only, but with a view to restore the mutual good feeling which existed in old times, is that the old custom of European officers calling on Indian gentlemen of position, without any invitation from the latter, should be revived. In Lahore this courtesy was generally observed with old courtiers of Maharaja Ranjit Singh. The bad feeling created between the two races by the mutiny of 1857 caused the custom to abate to some extent. With the death of the old courtiers the custom died out completely. The courtesy was not extended to any of their sons. In 1876 or 1877 the only vestige that remained of the custom, was that the Deputy Commissioner paid a visit of condolence to the heirs of a deceased grandee. Since that year, I do not know of any instance in which a European Deputy Commissioner paid even a visit of condolence, except perhaps on the death of a titular Raja or some relation of a ruling Chief.

5. The times have completely changed, and democratic ideas have advanced to such an extent that it would be impolitic to make any distinction between old families and new families. Men should be respected for the position they hold quite apart from the consideration as to what was their past. I think that the privilege of a return visit by the Commissioner and Deputy Commissioner should be extended to all members of Councils, Provincial or Imperial, Advisory or Legislative. A Commissioner in the expanded council will be a colleague of a member of Provincial Council.

6. There are no anjumans or societies in this district. I asked the District Judge, Shekh Amir Ali, to convene meetings separately of the leading Muhammadan gentlemen and the leading Hindu members of the Bar. I enclose for your perusal the answers given at the two meetings by the gentlemen who took part in the discussion.

NARENDRA NATH,
Deputy Commissioner, Gujrat.

I.

I certainly think that the formation of "Avisory Councils" would be a boon to the people and the establishment of such a council is a step forward. As to its constitution and duties I have a few suggestions to offer. The standard fixed for selection from amongst territorial magnates of the province is payment of land revenue from Rs. 5,000 to Rs. 50,000. It cannot be denied that the amount of revenue paid by a person goes far to show the extent of landed interest he possesses; but there are other matters also which should not be lost sight of. It must be remembered that the enormous value attached to the proprietary rights in land is only of recent origin. During the Sikh rule in the Punjab the worth of a nobleman depended not so much on the amount of land revenue that he paid, but on the amount of the land revenue that he received in jagir. Husbandry was looked down upon as an inferior occupation. Are the biggest jagirdars in the Punjab included in these 52 men paying revenue from Rs. 5,000 and Rs. 50,000, who evidently will be the class from which selection will be made? This is a point which might be enquired into. These 5 men probably include some wealthy merchants of the province, who having made their money in trade have purchased large areas of land and possibly exclude some very important aristocratic families who still retain to a great extent their past influence in society.

2. Some very important families in the Punjab own large areas of land outside of the province. These were grants made of taluqas in Oudh for valuable services rendered during the mutiny of 1857. In constituting the class out of which selections for the "Advisory Councils" will be made, landed interest possessed by a family in provinces other than the Punjab should not be ignored.

3. In the aristocratic class of the province it has always been customary to include near relations of ruling Chiefs, excluded from inheritance by the operations of the law of primogeniture. These members of the nobility may not possess an area of land in British territory, and may not be paying revenue to Government. It would not be right to exclude such men from the class of which they have hitherto been recognised as important members.

4. The rapidly changing condition of Indian society should be borne in mind. India of to-day is very different from India of 20 years back, and 20 years hence may see changes in economic and other conditions which it is difficult to foresee. It is undesirable to frame a rigid and inflexible constitution which Government may find necessary to change ten or fifteen years hence. To lay down hard and fast standards as to the amount of revenue paid or of jagir enjoyed is impolitic for many other reasons. Actual selection may be confined to the very highest men in the aristocracy of the province, but it would not be right to raise expectations and hopes which it may not be possible to fulfil amongst those who come up to the standard, whilst it would be undesirable to create disappointment in the minds of a large number of men who do not satisfy the pecuniary qualifications fixed by Government. I would, therefore, make the system elastic, and lay down only general rules by which Government may be guided in selecting members for the "Advisory Councils"—

(*a*) The present social position and influence of the person to be selected and of his family in the past, amongst the Provincial Darbaris of the province. The word Darbari is of recent origin, and is indicative of the decay of the aristocratic classes of the province. Formerly they were designated Chiefs as distinguished from ruling Chiefs. Sir Lepel Griffins's History is called the History of the Punjab Chief.

(*b*) The extent of landed property owned and the amount of land revenue paid in the province or outside the province.

(*c*) Amount of jagir enjoyed.

(*d*) Relationship to a ruling Chief.

(*e*) General capacity to serve as a councillor.

The last does not necessarily mean University education; but if the council is to be of any use, ability to understand the various political problems on which the opinion of the councillors will be asked should be considered by no means an unimportant test. Personally I am disposed to think that amidst various conflicts which arise over questions affecting the administration of the country, it requires ability of no mean order to hit upon a point in a higher plane on which right thinking men on both sides, that of the Government and of the people, would be unanimous.

5. Out of 40 seats now reserved for territorial magnates, I would set apart a few for men who have no aristocratic claim, who have risen to highest position in society through the dint of personal ability and merit. Men who have risen very high in service, or who have made a name for themselves in the professions, or who represent commercial and industrial interests in the country should be eligible to them. I am not sure as to what number it would be right to reserve for these classes, but there should be at least 3 seats, one for each class, whilst 6, *i.e.*, 2 for each class, would also be a reasonable number.

6. The members of the aristocracy, barring ruling Chiefs, retain nothing of their former influence. In the Sikh times administrative powers were concentrated in the nobility. A Sardar was not only in receipt of certain emoluments or of certain amount of income from land, but was also considered to be the Chieftain of the tract. He therefore exercised power and authority which was limited or unlimited according to his position. Administrative power is now concentrated in officers representing the Imperial Government. A Tahsildar wields, as the representative of the paramount power, greater authority than a territorial magnate with an income of a lakh of rupees a year. This fact, as also the complete disappearance of the feudal type of old native society, has considerably lessened the influence of the aristocratic classes, and has brought into existence classes directly connected with the administration, Government servants, and lawyers. The former retain in their retirement some of the influence which they exercised and the honour which they received whilst in Government service.

Theoretically an Indian is eligible to any office in the State, and in practice we have seen them selected for such high offices as officiating Chief Justiceship of a Chartered High Court. It would be impolitic on the part of Government to alienate the sympathies of this class, and to drive them to the opposition to wield against Government the influence which they have acquired in Government service.

7. The class of lawyers, independent and wealthy hitherto, the recruiting ground for the highest offices of the State, is a creation of British rule. They are interpreters of Anglo-Indian law, and therefore the necessary outcome of it. The fact that Indians who have risen to highest offices of State in British territory have come from this class considerably enhances their influence. The way in which this tends to subvert the influence of the old aristocracy is not always realised by European officers; but a little reflection will make it clear, how in Indian caste communities the man, who is more wealthy, wields greater authority, receives more respect from Government, must take precedence over the scion of an old family. The influence of this class needs every recognition at the hands of Government. To reserve one or two seats for them will create a healthy ambition amongst them and will regulate and mould the lives and careers of many.

8. As regards the commercial and industrial classes, I am fully aware of the fact that this class has not yet come into prominence, but it has a great future before it. Scientific and technical education is increasing rapidly. Considering the mischievous turn which industrial development in India may take, and of which we have received a fair amount of warning from the movement called *Swadeshism*, it is very undesirable to shut the door of the highest council of the Empire to men belonging to this class.

9. I have read something of the criticism against the reforms proposed. Much of what has been suggested above will remove a great deal of the opposition that has been shown. It has been said that ruling Chiefs are not affected by the laws made for British territory, but they have a large stake in the integrity of the Empire and in the maintenance of order, and as such must take share in the councils of the Empire.

10. An objection may be raised that in a body consisting of ruling Chiefs and the landed nobility and gentry, it is undesirable to introduce political opinions held by persons outside of this class. To this my answer is that the ruling Chiefs and members of aristocracy have ample opportunities outside the Council Chamber of learning the political views of men who do not belong to their class. As long as the majority consists of men representing stable interests of society, the chances are that the men outside of their class will be influenced by their views rather than the other way.

11. The Advisory Council will receive no legislative recognition, its functions will be purely advisory and its proceedings informal. With such constitution as the council will have, consisting purely of non-officials, I do not think that it is possible to

give it a statutory existence or to lay down any rule in writing, as has been suggested by an ex-member of the Viceroy's Council, about the weight to be given to the opinion of the majority of its members. I am doubtful if a council, having statutory powers, in which Government was unrepresented, would be the safe custodian of Imperial concerns and interests. Such a council must have therefore purely advisory functions. It is, however, necessary to point out that unless due weight is given to the opinion of the members, and a sort of unwritten rule is observed as to the extreme undesirability of Government acting in opposition to the opinion of the majority, the position of ruling Chiefs and territorial magnates will be worse than that of the members of the Legislative Council, and they will eventually be unwilling to work on the council and to give their honest opinion. I think it is advantageous to keep the proceedings confidential, but I do not understand why the proceedings should be informal. I notice a slight difference in the procedure to be observed in consultation with members of the Provincial Advisory Council and that to be followed with members of the Imperial Advisory Council. The word informal is nowhere applied to the deliberations of the Provincial Advisory Council. With respect to consultations with the individual members of the Imperial Advisory Council, I do not find that this would be done by letters. A purely informal talk on weighty matters of State is absolutely useless. To give opinion on important questions, it is necessary to study all the connected papers and to think over the *pros* and *cons*. A passing remark in a casual conversation does not elicit the true opinion. I therefore think that all consultations with individual members of the Advisory Council should be in writing. If it is feared that in the case of certain members opinions in writing would reflect more the views of the amanuensis than of the member, then at least an option should be given of submitting opinions verbally or in writing. Men who have not thought over the questions that come before council are not likely to be of much help in the deliberations of the council. I believe that amongst ruling Chiefs and territorial magnates it is possible to get a sufficient number who are educated enough to take interest in public questions, to form opinions on them, and to submit them in writing. I presume that the privilege of giving opinion on questions referred to the council by Government carries with it the privilege of addressing Government, in a purely advisory capacity, on important public questions.

II.

I think that a Provincial Advisory Council would be a useful institution. I have no modification to suggest, in the proposals made by Government of India, regarding its constitutions and duties. There is, however, only one thing to which I wish to draw attention. Members for the Advisory Council, Provincial or Imperial, will be selected from a higher class than those for the Legislative Council. Why should the deliberations of the Provincial Advisory Council be presided over by a high official deputed by the Lieutenant-Governor,, while he himself presides over the Legislative Council. This will be felt as derogatory by the members of the Advisory Council, will be apt to make the proceedings too informal, and will detract from the earnestness and interest of the members.

III.

(*a*) I approve of the enlargement of the Imperial Legislative Council. As to the scheme sketched out in paragraph 12, I have a few words to say. The scheme does not appear to me to be consistent in its various parts. Four seats have been promised to Muhammadans—2 by election and 2 by nomination. If two seats must go to Muhammadans, which means Muhammadans in the whole of India, including this province, by election, there is no reason why non-official members for the Imperial Council for this Province and Eastern Bengal should not be elected D (*b*). It is also difficult to say whether election will not or will be the ultimate mode of selection of the land-holding class of this and other provinces.

I am one of those who think that Muhammadans in India are a more important class than the numerical proportions of their population would seem to indicate. But I do not think that it was ever contemplated or intended by Government that no regard is to be paid to the numerical strength of the Hindus in Hindustan, whilst in respect of education and wealth, though perhaps not in respect of solidarity, they occupy a much more important place than the Muhammadans. There are 20 seats under D (*b*), (*c*), (*d*), and E, which will be held by Indians—Hindus, Muhammadans, Sikhs, Parsis, and Jains. I do not think that a ruling Chief should be counted to lend his influence either to the Hindus or Muhammadans, and the nominees of Chambers of Commerce of Calcutta and Bombay will be Europeans. If 4 seats are allotted to Muhammadans as an important minority, what guarantee is there that, coming from other sources, they will not occupy as many seats as the most influential majority in the population. There is a possibility, if not a likelihood, of a Muhammadan being elected by the non-official members of the Punjab, Eastern Bengal, and United Provinces. This gives them 3 seats. Then they may get 3 seats under D (*c*) by election, from the nobles and great land-owners of the Punjab, Eastern Bengal, and United Provinces. This gives them 10 seats in all. It is, I think, anomalous that, coming through the trap-door of a special

provision for the representation of minorities they should secure as many seats as any other class including Hindus, who are numerically the largest. Having given election to Muhammadans D (*b*) I do not think it would be right to withhold it from any other class desiring it.

It has been suggested that to make any reservation in favour of Muhammadans will accentuate racial and religious feeling and will introduce it into the council, and that such a feeling once roused will spread even to the territorial magnates and ruling Chiefs, and might infect the members of the Advisory Council. There is great force in this argument, but I think it is not now possible to recede from the position already taken by Government, though the whole scheme described in the Government of India letter is said to be a tentative one. Nothing would now be gained by unravelling the past records to see if Muhammadans have occupied on the council a number of seats greater in proportion to their mere numerical strength in the population. I would therefore suggest only a slight addition in clause E. I would insert the following proviso:—"Provided that the number of Muhammadans coming from other sources including special election under *clause D* (*d*) is not more than 4." This would not tie down the hands of Government as to any special method of recruitment for other classes. It would give 6 seats to Muhammadans out of 20 for Indians of all creeds. This is much above the numerical proportion of the Muhammadan population.

(*b*) I think that the time has come when a member should be elected for the Imperial Council by the non-official members of the Provincial Council. It cannot be denied that election gives a more popular basis to the mode of selection. In other provinces having a Legislative Council, a member of the Imperial Council is returned by election. In these provinces election will be introduced with regard to the two seats under D (*d*) for Muhammadans. In view of these facts it is unreasonable to deny to the province the election of one member for the Imperial Council.

(*c*) I approve of the selection of one of the great land-owners for the province to the Imperial Council, but I do not wish to introduce election in their case. Canvassing, which is so essential for election, is not very agreeable to the land-owning classes, greater number of whom constitute the aristocracy of the province. In case election is resorted to, an electorate should be formed of the Provincial Darbaris of the province paying a certain amount of revenue and of others outside of this class paying a larger amount.

(*d*) As regards the Muhammadan electorate for the selection of Muhammadan member under clause D (*d*), I have not yet received the statistics referred to in paragraph 8 of Mr. Maclagan's letter. In the absence of this information, all that I can say is that the Muhammadan non-official members of the Provincial Council should form the electorate.

IV.

It is difficult for a district officer to say to what figure the number of present members of the council should be increased. But I think that 20 would be a fair number. I would have 11 official members and 9 non-official. The 11 official members to consist of—

Lieutenant-Governor	1
Chief Secretary	1
Financial Commissioner	1
Settlement and Revenue Commissioners	6
Principal Law Officer of Government	1
Out of the various heads of departments by turn	1
TOTAL	11

I would fill up the 9 non-official seats in the following way:—

By nomination—	
Ruling Chief	1
Land-holders	3
Mercantile community	1
Minorities (Sikhs and Christians)	1
By election—	
Profession	1
University	1
Municipalities and district boards	1

I do not think that out of 9 seats it is possible to make a special reservation for Muhammadans. Besides, Muhammadans in the Punjab are not in a minority and cannot claim

the special provisions for minorities in a representative scheme. The seats by nomination may be filled after the result of election is known. If members returned by election are all of one class, there are 3 seats set apart for land-holders, and those may be filled up by men belonging to the other classes. To follow the analogy of the Imperial Council in reserving a number of seats for Muhammadans, I am afraid that it will be necessary to expand the council to a much larger figure. It is, however, possible to maintain Government majority even in a council of 28 by nominating all the heads of departments, Sanitary Commissioner or Chief Engineer, Inspector-General of Civil Hospitals, Inspector-General of Prisons, Inspector-General of Police, and Director of Public Instruction. One objection to such a large council would be that, some of the departmental officers, who are not directly concerned with the measures coming before the Council, will be taken away from their legitimate sphere of work. If this difficulty is not considered unsurmountable, I would have 13 non-official to 15 official members including the Lieutenant-Governor. The 13 non-official seats may be distributed as follows:—

By nomination—	
Ruling Chief	1
Land-holders	4
Sikh	1
Muhammadan	1
European mercantile and commercial community	1
By election—	
Muhammadan	1
Profession	1
University	1
Municipalities	1
District boards	1

For the Muhammadans an electorate may be formed of the Muhammadan members of the district boards and municipalities in the province. By profession I mean the legal profession and the Bar Association in various districts of the province or the Indian Association of Lahore in which the majority of the members are lawyers, may be called upon to elect. The setting apart of a seat for the legal profession in the Provincial Council will, I think, considerably strengthen the position of Government in keeping open to nomination a number of seats representing very important interests in the country, *i.e.*, interests of classes to whom election is unsuitable. Indirectly it will also give to the legal profession a voice in the Imperial Council as non-official members of the Provincial Council will be eligible for election to the Imperial Council. I have suggested above how in my opinion the Provincial Council should be formed. If the number is fixed at 20, representation by religion will be difficult to arrange. I wish, however, to offer a few observations on the subject dealt with in paragraph 22. I am opposed on principle to have representations in any council or board by religion or caste, much more so to have election for each separate class. The case of Muhammadans for representation in Imperial Council only might, for various reasons, on which I need not dwell here, be treated as exceptional, though I am of opinion that there are disadvantages in this also. But to have class representation on every district and municipal boards and every Provincial Council is, I submit, a mistake. To give representation to castes and religious communities on the bases of religion or caste will introduce into the council or board men strongly imbued with class and religious bias, bigoted Hindus, bigoted Muhammadans, and bigoted Sikhs. Now each delegate may be expected to fully guard the interests of his own class, and there is the European Government to see that justice is done to all, but I think that there is one great weakness of human nature which is overlooked when the system of class representation on the basis of religion is advocated. A bigoted man is always exclusive, he is all for his own class. A European Government or a European system of administration will derive little help from a collection of bigoted Hindus, Muhammadans, and Sikhs. Such men to further their own ends may temporarily and outwardly help the system, but the co-operation does not proceed from the heart. To give elections on the bases of religion is to make a most terrible mess of Eastern and Western systems. It amounts, I think, to retaining the evils of both systems, and doing away with the good of either, I would open certain seats to election, reserve a few for nomination, and then supplement by nomination the defects of election. Election hitherto might have resulted in returning men imbued with a certain set of political opinion. To introduce class representation may or may not remedy this tendency, but will certainly introduce evils of a much greater magnitude.

Nothing would, I submit, be a greater mistake than to have this kind of representation in district boards and municipalities. The electorate for these bodies consists of ignorant men. The pecuniary qualification is law for eligibility as voters or as members. Amongst ignorant men, low in the grade of society, class bigotry easily degenerates into fanaticism. To drive religion or class bias into hearth and home is to augment the difficulties of administration. Notwithstanding all this, in the districts in which I have been, class representation on any basis other than that of religion

is not possible. In dividing themselves into groups, people of India think less of their occupation, and more of their religion or hereditary castes. I do not see how in Gujranwala or Gujrat, or, for the matter of that, in any town in the Punjab, it is possible to have representation by occupations, ignoring the religions. Classification by occupation may be acceptable to the people when it fits in with classification by religion, but not otherwise. But in each and every town it will be difficult to devise a system which will satisfy both the religious and the occupational tests. In district boards there is only one preponderating class, *viz.*, the land-holders, which needs representation, and under the present system it is fully represented. In the Punjab cultivators, tenants, or kamins are not sufficiently advanced to require representation. Traders and others can get in by nomination if they satisfy certain conditions. The system of representation in local bodies in the Punjab therefore requires no change.

V. I think that the system of discussing the Budget should be altered in the manner suggested in paragraph 23.

Discussions by separate heads is likely to confine the debate to financial policy of Government, and will prevent to a certain extent the introduction of extraneous matters. The provincial Budget should be discussed in the Provincial Council and that by separate heads, and the right of interpellation should be given to the members of the Punjab Council.

As to these privileges as well as the introduction of election for the Punjab, I wish to remark that, with the exception of Burma, all other Provincial Councils enjoy these rights. The Punjab is no longer a frontier Province. It is not in any way less advanced than the United Provinces. There appears therefore to be no reason why these privileges should be withheld from the Punjab Council.

NARINDRA NATH,

Deputy Commissioner, Gujrat.

The 20*th November* 1907.

Extract from letter no. 2362, *dated* 26*th October* 1907, *from Diwan Narindra Nath, Deputy Commissioner, Gujrat, to the Under Secretary to Government, Punjab, Revenue Department.*

In connection with this subject, I venture to lay before you some idea about a scheme of grants of land to be made by local Government on the recommendation of local officers. Ever since the desirability of decentralization was first suggested in Parliament, I have been thinking how the potency of local Governments for beneficence could be materially increased. Absolute sovereignty implies unrestricted powers of punishment and reward. In the system of British Indian Government at present organised, the power of punishment is, and must be, regulated by a well defined constitution. Similarly, it is impossible to revive the old idea of unlimited and extensive powers of doing benevolence. I, however, think that, with due regard to modern economic and other conditions, it is possible to bring into greater relief the benevolent character of the absolute system of Government which we must have for an undefinitely long time if not for ever the powers which local Government and the officers representing it in various spheres have of giving Government posts is felt to be inadequate. The supply vastly exceeds the demand.

2. Whilst in list (*a*) I have suggested that Government should take much wider powers than exist now of granting assignments of land revenue for a life time, I fear that much cannot be done in this direction. The powers of granting hereditary jagirs will not be of much use. Hereditary assignments of land revenue were made after the annexation of the Punjab, under conditions and circumstances which do not exist now. Under the altered economic conditions of the Province, jagirs which, in many cases in old days, constituted a substantial help towards the maintenance of the jagirdars, are now valued more on account of the distinction which they bestow than as sources of income. It is neither possible nor desirable for Government to create a new class of hereditary jagirdars when position and prestige might militate against, and come into conflict with, those of the old jagirdars. These have in course of generations acquired for themselves a position in Indian society, which it will not be wise on the part of Government to disturb.

4. The colonization schemes have been a source of immense good to the people and of profit to the State. But as in all things good there is a spirit of evil, so these schemes too have not been unmixed blessings. The colonies constitute in the Punjab one of the greatest democratic forces that have been created by the British rule. One direct result of them is that Government no longer possesses the vast power which it had of making large grants of land. This detracts largely from its power and therefore from its aristocratic form, yet it is not possible to make any material changes in the form of Government. The situation now is this that people have not the regard and respect which they had for Government officers in the past, for the simple reason that Government officers can give very few things. Appointments are few, jagirs cannot be granted, and if nothing is done to put some limit to further colonization there will be no land left before long at the disposal of Government to grant.

5. At the same time schemes are afloat for associating people on a large scale in the work of administration, not by giving them more stipendiary offices, but by enlisting their co-operation in local self-government and in the work of legislation. All classes must take part in this work. It is therefore necessary to see that people should come to the work with a conciliatory attitude of mind—to advise and to criticise, but not merely to carp and find fault. In view of all these circumstances, I would invent a system of life grants (not hereditary grants which would soon exhaust all the land that there is), for which people who have rendered honorary services to Government should become eligible after a certain age. Each grant should secure an income of about Rs. 5,000 a year to the grantee, and should be lightly assessed.

I think that 20 squares well irrigated by a perennial canal will secure that much income. In each district of the Province a certain area should be set apart out of which these grants should be made to men of the districts or of neighbouring districts. Regard should be paid to the importance of the district and to the facilities which it has in respect of irrigation and communication. For instance, in Gujrat, an area of about 26,000 (I am giving the figures from memory) of Government land is likely to be irrigated from Jhelum Canal. It would not be too much to set apart 5,000 acres for this purpose. In Gujranwala and Lahore districts, I do not think it would be impossible to set apart 7,000 and 10,000 acres, respectively, for this purpose. Retired Government servants of high position, large land-owners, and hereditary jagirdars drawing large jagirs might be excluded from the benefit of these grants. The power of making grants should, of course, vest in the local Government, on the recommendation of local officers. The prestige of local officers depends on the powers which vests in the local Government, for the former exercise only delegated authority. The enhancement of the powers of Government in the direction indicated will enhance the powers and prestige of local officers. The above is but a bare outline of a scheme which has been in my mind for some time past. Details may be thought out, if the suggestions made are worthy of any consideration.

The following was passed at the meeting of representative Muhammadans of Gujrat held in the Public Library Hall on 20th October 1907 at 8 A. M.

Answers to questions on which opinions were desired in connection with Government of India letter no. 2310—2317, *dated* 24*th August* 1907.

I. (1) An Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter will, in our opinion, be of service to the country. but we suggest that provisions be made for councillors being allowed to bring important matters to notice.

II. (2) We think a Provincial Advisory Council will be a useful institution, and can suggest no modifications in the proposals regarding its constitution and duties.

III. (3) We approve of the proposed enlargement of Legislative Council, but we wish that the interests of the Muhammadan community may be duly represented.

(4) We approve of the proposal that one member should be elected by the Provincial Legislative Council.

(5) We approve of the selection by nomination of educated and experienced zamindar, irrespective of the amount of land revenue paid by him.

(6) We approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by selection, and 2 by nomination, but we recommend that elected members should be elected by the Muhammadan members of the Provincial Council.

(7) We advocate an increase in the present number of members to 20 (not less than 20), but we recommend the appointment of non-official members by nomination in proportion to the numbers and population of various classes inhabiting the Province.

(8)
(9)
(10)
(12)

(13), (14), and (15) We approve of the discussion of the Budget by separate heads in Imperial and Provincial Councils, and we are in favour of the power of interpellation being given to members.

AMIR ALI,
District Judge.

The proceedings of an extraordinary meeting of the members of the Gujrat Bar Association held on the 13th October 1907.

The members of the Gujrat Bar met at the Bar Room on the 13th October 1907 to consider the Legislative Council's reforms as proposed in the published letter of the Government of India. Sheikh Amir Ali, B. A., District Judge of Gujrat, was in the chair. After the District Judge had clearly explained the scheme of the proposed reforms, the questions required by the Government of the Punjab in its letter to be answered and discussed were put before the meeting and the following unanimous answers were the result of its deliberations.

Question 1.—(*a*) The establishment of an Advisory Council is essential.

(*b*) Along with the standard of landed property or wealth of the nominee for the membership of the Advisory Council some decent qualification of education and public and general experience should be necessary.

(*c*) While the proceedings of the Advisory Councils are to be kept quite secret it is submitted that the proposals put before the various meetings of such councils and the conclusions to which they arrive should be made public, so that the people may be kept in touch with what is being done for them.

(*d*) The members of the council should have the right to offer voluntary advice and make proposals consonant with the public interest. The main reason for this being that, if no such right is given, many a matter of great public importance may never strike the Government to be put before the council, and thus remain the source of inconvenience both to the rulers and the ruled.

Question 2.—Agreed to with the same changes as mentioned in the answer to question no. 1.

Question 3.—(*a*) An enlargement of the Imperial Legislative Council approved of.

(*b*) At least one member of the Imperial Legislative Council to be elected by the High Court or Chief Court Bar Association of each Province.

(*c*) Paragraph 4 agreed to.

(*d*) Paragraph 5, election by the land-holders in the Provincial Councils agreed to in preference of nomination. The nominee should have educational and public experience qualifications.

(*e*) The electorate should be, in case of Muhammadan members in addition to clauses (*a*), (*b*), and (*c*) in paragraph 18 of the letter of Government of India, the following as clause (*d*):—

"Important Provincial Muhammadan Associations."

Question 4.—(*a*) Paragraph 7 agreed to.

(*b*) There should be 12 elected non-official members of the Punjab Legislative Council, *viz.*, 2 members from each division, these seats to be equally filled up by Hindus and Muhammadans, 3 extra seats to be filled up by elected or nominated members from the other minorities in classes.

(*c*) The local municipal and district boards along with other local important bodies and persons should unitedly form the electorate of each district, and the gentlemen of each division thus elected may elect from amongst themselves 2 members for the Legislative Council as mentioned above in paragraph (*b*).

Question 5.—(*a*) The discussion on the Budget in the Imperial Legislative Council should be altered, as in paragraph 23, under separate headings.

(*b*) Answer to paragraph 14 is the same as above.

(*c*) The right of interpellation in the Punjab Legislative Council should be given to the members.

KISHORILAL, *Pleader*, *Secretary*.

AMIR ALI, *District Judge*.

Dated Gujrat, the 23rd October 1907.

No. 500-G., dated 27th November 1907.

From—P. D. Agnew, Esq., I.C.S., Deputy Commissioner, Rawalpindi Division,

To—The Commissioner, Rawalpindi Division.

With reference to your no. 2517, dated the 3rd October 1907, I have the honour to report that I have consulted in these questions the following, *viz.* :—

1. Baba Gurbakhsh Singh Bedi, of Kallar.

2. Mr. Dhanjibhoy, C.I.E.

3. Khan Bahadur Adamji Mamooji.

4. The members of the municipal committee, Rawalpindi.

The opinions of the first three I shall quote in the proper place. The municipal committee has merely expressed general approval of the Government of India's proposals, and I have been unable to get any definite opinion as to the questions framed by the Punjab Government from the members of the sub-committee appointed to consider the papers. These members included Malak Mohan Singh, a large contractor and house-owner, who is now vice-president of the committee, Diwan Bahadur Daulat Rai, who is a pleader in large practice here, Sardar Bahadur Buta Singh, who is well known to you, and a pleader's Munshi named Karam Ellahi.

I regret that there is no large land-owner in the district capable of appreciating the proposals or of expressing an opinion of any value.

To take the questions in order—

II. (1) I think the Imperial Advisory Council would be a useful institution. Those constituted are of the same opinion and have no suggestions to offer. I would suggest, however, "magnates" other than "territorial" might be eligible for appointment. After all, in these modern days, there is an aristocracy of wealth in India, as elsewhere, and many of the most difficult problems of the day concern commerce and industry. Apart from this a well-known spiritual adviser in one of the great religions of India or a respected political or social leader such as the late Sir Sayad Ahmad Khan might often be a counsellor of value to the Government of India.

(2) I and those consulted agree cordially in the advisability of establishing the Provincial Advisory Council, and think the number suggested, *viz.*, 20, is suitable.

(3) As regards the third question I submit copy of the joint opinion of Messrs. Dhanjibhoy and Adamji, also that of Baba Gurbakhsh Singh.

I agree that the Imperial Legislative Council should be enlarged as proposed.

I am inclined to agree with the suggestion that the official element might be reduced with advantage. I think 2 memberships might be taken from class "B" and put into class "D" (*c*). I also think that the election of 2 special Muhammadan members, class "D" (*d*), is a mistake. The electorate will be excessively difficult to form, and after all, if it is necessary to give class representation, a step in itself opposed to liberal principles and only necessitated by the peculiar circumstances of this Eastern country, it is surely better to nominate such members frankly. To give disproportionate electoral power is likely to create a feeling of dissatisfaction in the minds of other creeds; less odium attaches, I think, to nomination by the Government. I would therefore transfer class "D" (*d*) to class "E." As regards the reduction of the official majority, there is, I think, no conceivable question on which a majority of elected and nominated members might combine to override the official vote in which it might not be fairly presumed that the latter were in the wrong, or at any rate that their vote was being cast for a universally unpopular measure.

(4) I answer this question in the affirmative.

(5) In connection with this subject I quote below the opinion of Baba Gurbakhsh Singh and of Messrs. Adamji and Dhanjibhoy (paragraph 5):—

(*i*) "In my opinion the chief land proprietors of the Province should have a right to elect a member in the Imperial Legislative Council. This election should be as suggested in paragraph 14 (1) of the Government of India letter quoted above. The alternative method suggested in the same letter would not be right as the number of the land-owners in the Provincial Legislative Council would not be enough to afford a chance of their electing one from among themselves."

"For this election there are 52 such land proprietors paying revenue over Rs. 5,000 (Punjab Government letter, paragraph 5, last part)."

"If the number of the voters were raised to 100, which should at least be the minimum, the limit of Rs. 5,000 revenue will have to be reduced. In my opinion therefore the limit of revenue should be lowered, that the number of the voters may be 100."

(*ii*) *Paragraph* 5.—"Yes, it would add to the dignity of our great land-owners in the Province, and will also enable the Government to secure the opinion and advice of such gentlemen, and we respectfully suggest the method no. II in paragraph 15 would be most suitable."

I think that the limit qualifying for membership might be reduced to Rs. 3,000. It would be easy to frame a list of land-owners paying revenue of Rs. 3,000 or over. These might be asked to give in their votes to their Commissioner in person; any 5 land-holders paying Rs. 3,000 or over might nominate any other such land-holder in a given division: a list of the names so received would be sent to each Deputy Commissioner and each voter be asked by letter to record his vote in presence of the Deputy Commissioner of his district.

(6) I have already answered this question in (3) above. I am against the election of Muhammadan members.

If, however, there are to be two elected Muhammadan members I can think of no better electorate than that suggested in paragraph 18 of the Government of India letter. The amount of land revenue might be Rs. 10,000 and the members of class (*c*) be allowed half the voting power, as compared with one-fourth each to be allotted to classes (*a*) and (*b*).

(7) The opinions of Baba Gurbakhsh Singh and Messrs. Adamji and Dhanjibhoy on this question may be perused.

If an official majority is to be maintained the only officials of sufficient rank available for addition would seem to be the 5 Commissioners of divisions. Apart from the President and Secretary the present Provincial Legislative Council consists of 3 official and 3 non-official members. If 5 Commissioners were added this would allow of the appointment of 6 non-official members in all, and still leave a margin on the side of the Government sufficient to allow of the occasional absence of official members. The 3 official seats might be filled by nomination, as at present, and the 5 Commissioners would be *ex-officio* members; with this official majority there seems to be no reason why the remaining 6 seats should not be filled by election.

(9) I would distribute the seats as follows:—

1. One to be elected by the Senate of the University.

2. Two to be elected by municipalities, each to have a vote for each member, but the vote to count according to population. The population of the smallest municipal committee in even thousands might be taken as the unit, and the votes of those larger to be multiplied in proportion to the number of thousands of inhabitants.

3. Two to be elected by district boards.

For the present I would allow the constitution of the district boards to remain as at present. The interests of different classes and religions are already regarded in nominating to memberships of the boards. In the Punjab any attempt at open election to memberships of the district boards might lead to faction feeling. For instance, suppose we were to say that a given zail or group of zails might elect a member. The electorate would probably consist of village headmen, land-owners paying over a certain amount of revenue and income-tax payers. If any one set up a candidate in opposition to the local zaildar or jagirdar factions would be formed and intrigues set on foot which would result in the usual train of quarrelling either in the courts or in the open. Moreover, the practical difficulties of conducting such elections would be very great.

As the members of the boards in Musalman districts consist chiefly of Musalmans I do not think that the Muhammadan element would, on the whole, be overlooked.

4. One seat to be reserved for a Muhammadan. All Muhammadan land-holders paying Rs. 500 a year or upwards; all Muhammadan payers of income-tax, and all registered Muhammadan graduates of an Indian University to have the right to vote.

(10) As regards the subjects noted in V (13), (14), and (15), I am not competent to express an opinion; such matters are for decision on broad grounds of policy. The privilege of interpellation seems, so far as I can learn, to be one valued by educated Indian opinion and it is certainly a good method of bringing local grievances to the notice of Government.

P. D. AGNEW,

Deputy Commissioner, Rawalpindi.

Opinion by Baba Gurbakhsh Singh, of Kallar, dated 9th November 1907.

I have carefully gone through the papers. I have not had sufficient time to satisfactorily go through this important matter, and consequently beg briefly to reply the questions therein asked as follows:—

(1) I think the Imperial Advisory Council as proposed would prove very useful to the country. But I would point out that (though I am a land-owner myself) that it would be better if raises other than jagirdars and proprietors of land as well were included, so that the Government may have a chance of consulting every class of community. If the council were therefore limited to land-holders only it is just quite possible that the Government may not have disinterested opinion. Election would not at all be necessary. His Excellency the Viceroy may himself nominate fit persons.

(2) The Provincial Advisory Council would also be beneficial. It appears from the Government of India letter that all classes of persons could be nominated for it. There seems no reason why the same should not be done with regard to the Imperial Advisory Council.

(3) I like the increase in the number of the members of the Imperial Legislative Council and generally approve of the proposals contained in the Government of India letter. But I wish simply to say something on one or two points.

In my opinion it would not be improper if for the council (*i.e.*, Imperial Legislative Council) two members at least were selected from the Imperial Advisory Council.

Though it has not been considered advisable to give the Imperial Advisory Council the status of a legal body (assembly), it would not be proper if no member of it were taken in the Imperial Legislative Council.

Some cases may probably rise where the draft bill of any particular law be prepared by the Imperial Advisory Council. But under the Government of India letter the Imperial Advisory Council or its members will have no right (in their capacity of the members of that council) to take part in any discussion with regard to that bill or express any opinion thereon. I have not got sufficient time to give an opinion in detail about the rules contained in the Government of India letter with regard to selection of members from each class and creed. I think it, however, necessary to point out that extending the system of selection so far as to cover each class and creed would be extremely difficult and dangerous. There would be no end to this chain, as there is an unlimited number of religions and communities in India. In my opinion endeavours should be made to unite the opinions of various classes. The system of selection should not be based on religions and communities but on ability alone. If it be found that any religion or community is not sufficiently represented in the council, the Government can reserve to it the right of filling certain offices by nomination.

(4) Yes, I agree in the proposal that one member of the Imperial Legislative Council be elected from among the Provincial Legislative Council.

(5) In my opinion the chief land proprietors of this Province should have a right to elect a member in the Imperial Legislative Council. This election should be as suggested in paragraph 14 (1) of the Government of India letter quoted above. The alternative method suggested in the same letter should not be right, as the number of the land-owners in the Provincial Legislative Council would not be enough to afford a chance of their electing one from among themselves.

For this election there are 52 such land proprietors paying revenue over Rs. 5,000 (Punjab Government letter, paragraph 5, last part).

If the number of the voters were raised to 100, which should at least be the minimum, the limit of Rs. 5,000 revenue will have to be reduced. In my opinion, therefore, the limit of revenue should be lowered, that the number of the voters may be 100.

(6) I think no favour should be shown to the Muhammadans. In the first place, as I have said above, the question of class or creed should not enter in election; secondly, if any special favour were shown to the Muhammadans, the other communities who, also like Muhammadans, are less in the number would raise a cry that they also may be similarly treated; thirdly, by this special favour the Muhammadans will think that they are particularly under protection of the Government and have prior claims to other communities. It may also create a corresponding thought in the minds of the other classes that the Government does not favour them, and that their rights have been overlooked. The ignorant people may use these thoughts as a means of spreading dissatisfaction and enmity among different classes of community. In my opinion, therefore, instead of particularly nominating the Muhammadans, the Government should reserve to it the right of filling a certain number of offices under section "E," paragraph 12, of the Government of India letter. I may also mention that if this favour were shown to the Muhammadans it would in some instances be found that in the Imperial Legislative Council the number of the Muhammadans would be equal to that of all the other communities. Another difficulty may arise,

viz., that in the Punjab where the number of the Muhammadans is greater a similar favour will have to be extended to the Hindus and the Sikhs, as otherwise under the proposals in the Government of India letter there would be a very little chance of any Hindu or Sikh being elected. There would be only one way of nominating Hindus or Sikhs from the Punjab, and under section E, paragraph 12, of the Government of India letter where out of the four offices 2 were given to the Muhammadans and the remaining 2 reserved for other classes, it is just quite possible that out of those two also none may fall to the Punjab.

(7) I do not see any reason why in the Punjab like the United Provinces the number of the members of the Provincial Legislative Council be not increased. I think the number should be raised to 25, including His Honour the Lieutenant-Governor. Out of these 14 should be officers appointed by the Government; one should be a chief of some State nominated by the Government; one should be taken from the Senate of the University; and one from each of the five divisions; the remaining 3 should be reserved to the local Government who would fill these posts (by nomination) from his Province with due regard to ability, &c.

(8) I think with the exception of one man who should be selected by the Senate, the remaining members should be nominated by the Government.

(9) The number of the non-official members in the Punjab with regard to class and creed should be as follows:—

1 Christian, 4 Muhammadans, 2 Hindus, and 2 Sikhs.

(10) It is not necessary to answer this question as I am not in favour of election.

(11) As in no. 10 above.

(12) I think there is no need for any special favour for the Muhammadans in this Province, because, as I have said above in no. 9, the number of the Muhammadans here is equal to that of the Hindus and Sikhs.

(13) I think the mode of discussing the Budget should, in accordance with paragraph 23 of the Government of India letter, be changed.

(14) I am of opinion that discussion should be held on the Budget in the Provincial Council as well, and that the mode of discussing should be that which is now proposed with regard to the Imperial Legislative Council, as the old system has been found defective as appears from the Government of India letter.

(15) In my opinion it is essential that the members should have a right of asking questions; as such questions and answers give the subjects the chance of putting their grievance before the Government and thereby the Government also gets an opportunity of explaining its subject.

The 9th November 1907. GURBAKHSH SINGH, OF KALLAR.

Answers to the questions on which opinions are desired in connection with Government of India letter no. 2310—2317, *dated the 24th August* 1907.

(1) Yes, it is needed and will be of great service to the country; the suggestion in paragraph 5 are well thought out, and at present does not appear to require any modification or improvement.

(2) Provincial Advisory Council will be a most useful institution, and in fact as important as Imperial Advisory Council; as to the modification time alone will develop the circumstances if so required, at present the duties in brief expected from the members are quite sufficient to give encouragement to the high class natives to join.

(3) The enlargement of the Imperial Legislative Council is at the present moment of the utmost importance, and the suggestion that is put forward in paragraph 12 is commendable, it gives right and secures the privileges of all classes. But your committee would most respectfully suggest that the member in the tables "A" and "B" may be reconsidered as out of 53 members it gives 28 nominations for the Government officials. A slight reduction in the Government voting power is respectfully suggested.

(4) The suggestion in paragraph 13 is wise as it gives each province a right of having its own representative on the Advisory Council, and it will at once do away with a number of petty questions and answers required to them.

(5) Yes, it would add to the dignity of our great land-owners in the Province, and will also enable the Government to secure the opinion and advice of such gentlemen; and we respectfully suggest the method no. II in paragraph 15 would be most suitable.

(6) Yes, we recommend the appointment of the Muhammadans to the Imperial Council by the same method as suggested in the preceding paragraph.

(7) Yes, it would be better if His Honour the Lieutenant-Governor had few additional members on his Legislative Council, and if three nominated members are added it will always give the Government the majority of 7 to 6.

(8) It would be better if the present system of the nomination of the members was allowed to continue on the Provincial Legislative Council for a few years longer. (Reasons are many and cannot be recorded in a public document like this).

(9) In the event of majority of the people reporting in favour of the system of election we then suggest that only one-fourth of the seats be filled by the elected representative.

(10) Election of unofficial members had better be through the municipality than the district board and the election may be without distinction of caste and creed, otherwise it will cause endless trouble to the authorities; and mischief will be carried out by wire-pullers to any extent.

(11) Time has not arrived in Punjab for the election of "class representation," and though it has been a success in some other provinces your committee fear that it will not be so in Punjab for few years to come.

(12) In this particular instance a separate representation of the Muhammadans would be invidious and may lead to the issue of unpleasant questions, but if the majority of the Muhammadans wishes then there is no better course open to Government than to constitute a special Muhammadan electorate as defined in paragraph 17 of the Government of India letter.

(13) Yes, it would be better that the system of discussing the Budget in the Imperial Legislative Council was altered as recommended or suggested in paragraph 23 of the Imperial Government's letter as many side issues are brought in at the time of Budget discussion instead of the purely financial question.

(14) Yes, it is to the interest of the province if the Budget was discussed in brief as suggested above.

(15) Yes, your committee would respectfully advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

C. DHANJIBHOY.

ADAMJI MAMOOJI.

NATHU MALL, *Banker.*

TANSUKH RAI-KIDAR NATH, *Bankers.*

S. LUKMANJEE ADAMJEE & CO.

Opinion.

Preliminary remarks.

Before replying the various questions asked by the Punjab Government, a brief history of the political condition of India at various epochs will throw light on the constitutional advancement that India has made under the British Government. Of all the oriental countries India is perhaps the most heterogeneous, conservative, and orthodox. Before the Muhammadan invasion India was almost entirely inhabited by the people who professed Hinduism. But Hinduism in itself was divided and subdivided into so many creeds and sects that one was totally different from the other. The difference in religious belief was, however, not the only cause of the weakness of Hindu India. According to the Hindu theology the followers of that religion were divided in four principal sections. Both from the point of view of religion and political condition, Brahmans, Khatris, Vesh, and Shudras occupy distinctive positions in the religious and political institutions. Brahmans or the priestly class were the religious guides, advisers, and propounders of the doctrines of faith and holy books to the general populace. Their advice and instructions had even to be sought by the ruling classes in all secular and administrative matters. Thus it was that knowledge and learning was the peculiar monopoly of the Brahmans, while the Khatris attended to the duties of the rulers and soldiers, Vesh followed agriculture and commerce, and Shudras occupied the position of menials and serfs. Though the ruling power was invariably vested in the Khatris, the influence of the learned and religious class, *viz.*, that of Brahmans, was the guiding factor in all administrative matters. The Vesh and the Shudras were even more markedly dependent on the good wishes of the Brahmans for support and maintenance. The domination of the literate class over the other classes, however, did not prove an entire success. Schism due to rivalry between various religious leaders began to be felt and eventually divided India into hostile parties and separate rival kingdoms. Internecine warfare followed and resulted in the eventual invasion of India by the Muhammadan king of Ghazni. The Ghazni Dynasty was followed by other Muhammadan dynasties. The Mughals

were the last, the most long stayed, the most advanced, and the most liberal of all the Muhammadan rulers in India. The name of Akbar for his toleration and wisdom, that of Shah Jahan for his grandeur and the magnificence of his buildings, that of Aurangzeb for his religious zeal, and the extent of his empire are even now remembered in India. But though Akbar was tolerant and understood the needs of his empire, his rule was not marked by that advancement of learning among the Hindus as to render them fit associate with Muhammadan rulers in matters of administration as largely as their numbers demanded. No doubt the example of Raja Todar Mall, the greatest financier of India, of Birbal, the witty and accomplished courtier, and of Raja Man Singh, the celebrated general, could be quoted to show Hindu influence in Akbar's court. The dominance of Muhammadan office-holders in all parts of the country was, however, a bar to the employment of a large number of Hindu officials. The only posts that were invariably held by the followers of that religion were infinitesimal and unimportant. There was, however, no discontent in the country and the empire flourished. But in the reign of Aurangzeb owing to his religious zeal and want of toleration the Hindus, who were the most numerous, became discontented and tried to throw off his yoke. Aurangzeb was succeeded by incompetent successors, and the touch of tyranny that was applied to the masses eventually culminated in a huge conflagration of revolt by the Mahrattas and the Sikhs. This led to the Mughal emperors of Delhi being reduced to mere shadows and to their being divested of all authority. Before, however, the absolute annihilation of the Muhammadan rule could be accomplished European nations established themselves in India and took part in the inter-tribal quarrels. The superiority of the British proved itself fit to establish a world-wide sway and the total subjugation of India. The British were totally different from Indians in enlightenment, civilization, education, and even toleration, and they by degrees began to throw open the doors of free learning, both Oriental and Occidental, to the huge masses of India without distinction of caste, creed, and colour. By degrees the benefits of education were comprehended by the people of this country, but various causes contributed to benefit only those whose profession directed their attention to it, or who by natural impulse or inferiority of position took advantage of the educational facilities that were given by the Government. This produced a class of educated Indians that had no aptitude for being entrusted with administrative positions of responsibility. But the Government of the country was never desired by the British to be carried on by them single-handed and to the exclusion of the people of this country. A large number of appointments was thrown open to Indians, who were gradually associated in matters of administration with the ruling class. This by-and-by gave the Indians acquaintance with the system of Government in England, and some ambitious but short-sighted persons began to demand constitutional Government. I am, however, constrained to remark that, with due reference to the opinions of some highly educated and accomplished individuals, representative system of government is absolutely unsuitable to this country. As shown above various classes with conflicting interests, position, religion, and social system inhabit India, and their aspirations in almost all matters are divergent. Can it be believed for a moment that by election only those administrators could be selected who could be styled the real representatives of all classes? I do not think that any serious thinking persons could seriously advocate the elective system in face of so many diversities. But I have no hesitation in saying that the genuine aspirations of the people should have due weight on the attention of Government. The Government of India letter, dated 24th August 1907, embodies the account of advancement that has been made from time to time in meeting the legitimate wishes of the people with regard to the system of administration and the association of Indians with Government as well as what is now intended to be done. With this preamble as regards the condition of India at various epochs I now give my reply to the various questions.

I. (1) *Imperial Advisory Councils.*—The Government of India is carried on on a unique system. It is responsible for the safety of India and for the peace and contentment of its subjects. The laws framed are based partly on European principles, which are foreign to this country, and partly on religious customs as well as equity and good conscience. The administration is mainly carried on by a class of officers who with but few exceptions have little time to acquire a thorough knowledge of the inner tendencies, peculiarities and characteristics of the population and of their aspirations, ambitions, and requirements. These conditions have been productive of some inconvenience to the officers of State in carrying on the administration smoothly and also of discontent among some classes. It is therefore a matter of great importance that Government should be in a position to know through the agency of the real leaders of the various communities the real needs and requirements of the people and have a knowledge of their aspirations and complaints. This could be done only by the Government associating with themselves the leaders of the people. I therefore strongly support the proposal regarding the formation of Imperial and Provincial Advisory Councils.

It is a matter of common knowledge that Government measures, however beneficial, are very often criticized and adversely commented upon by newspapers and others, simply because they emanate from Government without their being supported by the leaders of the people. This of course could not formerly be done owing to the absence of any method by which the opinion of such leaders of the various communities

to those measures could be obtained. It is to my mind a great constitutional and beneficial step that the Government has recognised the need for the formation of these Advisory Councils. They could be of use in giving the people of India wider opportunities of expressing their views on administrative matters. Hitherto the only Indians who could officially communicate with Government were the native members of the Legislative Councils. But it is admitted that these councils do not fulfil the requirements expected from the Advisory Councils owing to their too infrequent meetings which cannot offer the means of confidential and intimate consultation between Government and its subjects. They will also afford provision for representing the landed aristocracy of India and the great body of moderate men. Besides, as pointed out by the Government of India "the needs and sentiments of the masses of the people must find expression through those (whether officials or non-officials) who are acquainted with their daily life and are qualified to speak with authority on their behalf."

It must, however, be borne in mind that unless effort is made to select the real leaders of the people with requisite qualification to be able to give a sound advice about matters referred to them the object with which these councils are formed would not be attained. I have, however, nothing to say as to the method of selection of members for these councils. The Government, I am sure, will be able to select men to sit on the Imperial Advisory Council who really possess the qualifications and attainments expected of them. I, however, humbly suggest that the 60 members proposed to be nominated for this council may be selected as follows:

1. There is no objection to the introduction of official element in this council, but this element should be confined to Indians only who should not belong to the executive department because this council is to act as the adviser of the executive. This body is to be composed of 60 members of which 7 only may be Indian officials, *viz.*, 1 from each province.

2. The other 53 nominations may consist of the following:—

Indian Chiefs	20
Big land-owners, 2 from each province	14
Leaders of orthodox Hindus	5
Leaders of orthodox Muhammadans	5
Moderate and loyal Indian editors	2
Loyal members of legal profession	2
Traders and persons representing commercial interests	3
Un-official Europeans	2

Twenty-five out of these 60 members should be Muhammadans.

3. The terms of office as proposed should be 5 years, as there could be no bar to the re-election of members.

4. The meetings in general may be public, but in special cases the proceedings of the Council may be considered confidential.

5. It is not necessary to make it a rule that Government is bound to consult this council in all matters, but it may be of use to consult the council in the following matters:—

(*a*) In the matters relating to primary education;

(*b*) In measures for preventing plague;

(*c*) In matters for removing famine;

(*d*) In sanitary matters;

(*e*) In matters relating to the protection of endowed property;

(*f*) In matters relating to district boards and municipal committees;

(*g*) In matters relating to religious disputes; and

(*h*) In matters of controversial legislation.

II. *Provincial Advisory Council.*—The reasons given above about the formation of an Imperial Advisory Council apply with even greater force to the constitution of Advisory Provincial Councils. The Government of India shapes the policy of the country, but seldom interferes in internal provincial administration. It is therefore a matter of great importance that the head of a Provincial Government may associate with himself for consultation on all important administrative matters, members of high families, great landlords, representatives of commerce and industry, both Europeans and Indians, religious guides, and heads of well known shrines. Without such advice Government cannot always be in a position to know the real feelings of the masses about administrative or legal measures that may be desired to be undertaken. I am therefore strongly in favour of the constitution of Provincial Advisory Councils.

The Punjab Government proposes that the Provincial Advisory Council may consist of 20 members. I, however, beg to suggest that if the number is fixed at 25 it will afford a fair representation on the council of the various classes residing in this Province. On this assumption I give below the number of members for the Provincial Advisory Council to represent the various classes:—

Land-holders	7
Loyal members of legal profession	2
Representatives of trade and commerce	2
Representatives of Anjumans and associations having a representative character	2
Religious leaders of orthodox Hindus	2
Religious leaders of orthodox Muhammadans	2
Spiritual leader of Sikhs	1
Un-official European	1
Hindustani officials	2

The Government of India suggests that the deliberations of the Advisory Councils should be informal and confidential and not public. I beg to say that if this is strictly adhered to the object for which these councils are formed would be to a certain extent defeated. My reason for advocating the establishment of these councils is this, that Government will be in a position after consulting them or certain members of them to know the real opinion and needs of the public, and measures adopted for meeting the needs of the public could be based to some extent on the advice of the leaders of the public. Now if the councils are confidentially consulted the public will have no means of knowing to what extent the measures inaugurated by Government have been supported by the advisers of Government. It will therefore be beneficial if the Advisory Councils are convened regularly at various intervals and their meetings and deliberations are as regards ordinary matters of administration held public. Of course in important controversial matters or on other matters about which privacy is considered desirable the meetings may be held privately.

III. *Divisional and District Advisory Council.*—I beg permission to suggest that as the Commissioners and Deputy Commissioners are principally responsible for the peace and prosperity of their charge and also come directly in touch with the public and carry out all administrative measures it is highly important that they should have advisers in all matters of importance. This suggestion is made after realization of the circumstances under which and the methods with which the administration is carried out. Though the executive officers of Government very often consult persons of status in certain matters of administration, yet without a recognised advisory body whose advice may be available, it cannot be said that the informal mode of consultation hitherto adopted has often been productive of the desired results. It is also conceivable that some officers may not consider any such consultation with local gentlemen desirable or advantageous, and officers newly posted to divisions and districts may not sometimes know gentlemen of probity and integrity who could be consulted with advantage. It would therefore be of great benefit if a limited number of native gentlemen in each district are selected by district officers and on his recommendation nominated by local Government for membership of the divisional and district advisory boards. The services of these will be available also to the Commissioner for consultation in matters of importance and also in times of emergency, and I am confident that the repose of confidence with reference to administrative matters in them will be fully appreciated both by the public and the men selected. It is, I think, clear that Government desires the association with themselves and their officers of all representative men of position and integrity in certain contingencies in administrative matters, and if a scheme on the above lines is evolved it will afford opportunities for free expression of opinion by the representatives of the public. Without any such arrangement very often the services of representative men are lost both to the country and to Government, and they spend their life in despondency and even discontent. Besides the training of such men might prove of use on their being elevated to higher advisory boards where they will give their opinions after undergoing a training. No doubt the services of the members of the district boards and municipal committees are available to the executive officers in this direction, but whereas in these boards all members do not occupy high and independent position and are often men of low status the members of the advisory boards would be men of high position and attainment and real leaders of the public in the district whose advice could safely be trusted and followed.

III. (3) *Enlargement of the Legislative Councils.*—I fully approve of an enlargement of the Imperial Legislative Council to the extent proposed by the Government of India letter. As shown in paragraph X of the Government of India letter it is essential that the Government should always be able to reckon on a numerical majority, and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member even when the Legislative Councils are enlarged. The recognition of the facts that Government must have paramount power in India does not admit of the legitimacy of the official majority in councils being questioned. No reasonable man can

dispute or question the correctness of this view. It is now to be considered in what form and numbers members to the Imperial Legislative Council may be elected or nominated with due regard to the representation on that council of the principal classes and communities inhabiting this empire.

Paragraph LX of the Government of India letter shows that hitherto elections to Legislative Council of the Governor-General generally resulted in the virtual monopoly of the power exercised in these councils by the members of the legal profession and schoolmasters, while land-holders and merchant classes seldom secure seats proportionate to their numbers and influence. As shown in the preliminary remarks above the population of this empire is so diverse and heterogeneous, and represents so many different and conflicting elements, that it cannot for a moment be urged that reperesentation on the council of one class to the exclusion of other classes can make no difference to the classes that do not secure representation. The condition of the public in this country is not on a par with that of European countries. However one may be inclined to shut one's eyes to the defects of the class system existing in this country, it cannot be truly denied that the interests of the various classes in this country are not identical. On the other hand, it is obvious that the representatives of each class make efforts to safeguard and serve the interests of that class only even though in so doing they may injure the interests of other classes. Examples are not rare in proof of this assertion, but it is not necessary to quote them here. It is also practically conceded that the majority of elections in the Imperial Legislative Council since the introduction of elective system was mainly confined to only one class. This could not have been the intention of Government, and could not be said to have equally served the interests of various classes. It is therefore absolutely necessary that on the Imperial Legislative Council all classes of Indian communities should have fair representation.

The scheme sketched out on paragraph XII of the Government of India letter appears to be quite suitable, and I do not propose any modification to it.

(4) I fully approve of the proposal that one member of the Imperial Legislative Council should be elected by the Provincial Legislative Council.

(5) I approve of the selection of one of the great land-owners of this Province to the Imperial Legislative Council. As to the method of selection I am not inclined to say that the land-holding classes even those occupying high position are fit for or will appreciate the responsibility of electing a member as to the Legislative Council, and the only course which I advocate for adoption is that of nomination by the local Government. It cannot be said at this juncture that the number of members representing land-holding communities in the Provincial Legislature will be large enough to be entrusted with the responsibility of electing a member for the Imperial Legislative Council. As regards creating an electorate on the basis of the amount of revenue payable by each elector, the suggestion is open to the strong objection, that the most suitable person representing the land-holding classes might not possess the requisite qualification for election. The other alternative method as regards qualification for election and vote so far as this Province is concerned is to constitute an electorate to the Provincial Darbaris. But even that method is open to the objection that the number of Provincial Darbaris may not be in conformity with the number, position, and influence of the various classes residing in this Province and thus a member elected by the Provincial Darbaris might not possess the requisite qualification of being regarded as the representative land-holder in the Province. I therefore strongly urge that as Government can select the best man, it should nominate a representative of the great land-holding class in the Punjab to the Imperial Legislative Council.

(6) The reasons set forth in paragraph 16 of the Government of India letter clearly demonstrate the necessity for setting apart 4 seats on the Imperial Legislative Council for Muhammadans, and I entirely agree with those reasons. Muhammadans up to now, I regret to note, have received inadequate representation on the Imperial Legislative Council, not because the community did not possess representative men who were in every respect qualified to sit on the council, but because the system of election was so defective that it mainly enabled one class only to elect members to the council. It was therefore not possible for Muhammadans to secure adequate representation on the councils. The virtual exclusion of Muhammadans from representation furnishes the strongest proof in support of the assertion that the interests of various communities inhabiting this country are not identical, and that the so-called leaders who profess to shape the policy of the Indians for the benefit of India are only aiming at benefiting their own community. Unless a class or community is adequately represented on the councils the needs of that community cannot be expected to be attended to and safeguarded with regard to any measures that may be introduced in the councils. There is no doubt that the number of Hindus, as a whole body inhabiting India, is larger than that of Muhammadans, but as shown in the preliminary remarks of this note the Hindus among themselves are so divided into classes, sects, and creeds that each sect and class forms a separate body and represents divergent interests. Perhaps the division of Muhammadans into three principal classes by virtue of a slight difference of

belief may be pointed to as showing that even the Muhammadans are not a single entity. But I think this is not correct. The Muhammadans whether they be Sunnis, Shias, or Mowahids all believe in one God and one prophet and intermarry among themselves while the Hindus though professing Hinduism believe in and worship different deities. Marriages also only take place among particular communities and not outside them. Even eating and drinking as well as social intercourse among different sects is not allowed. It is, therefore, clear that whereas the Muhammadans in India are a distinct political body the Hindus are not so, and it behoves the rulers to recognize this fact and safeguard the interest of this community by separate and fixed representation on the Imperial Legislative Council.

For the Imperial Legislative Council I approve of the nomination of two members by the Viceroy and of two being elected by the Muhammadan members of each province by rotation as suggested by the Government of India. If it be considered that this proposal is open to the objection that the number of electors will be small the Government may form an electorate of Muhammadans consisting of Provincial Darbaris and of Fellows of the Provincial University for the election of a Muhammadan member to the Viceroy's Council.

Sub-clause (*c*) in paragraph XVIII of Government of India's letter cannot meet the requirements of the case as the qualification of large income-tax payers and even revenue payers may not be of the required standard.

IV. (7) *The Provincial Legislative Council.*—I advocate the increase in the number of members of Provincial Legislative Council of Punjab to 19 to be composed of as follows:—

Official members including His Honour the Lieutenant-Governor	11
Muhammadans	4
Hindus	2
Sikhs	1
Unofficial European	1

The population of Muhammadans in this Province is larger than both Hindus and Sikhs combined, and it is only fair that their numerical strength on the council should be proportionate to their numbers. The official majority is of course essential, and should be safeguarded.

(8) I think that some seats in the Provincial Legislative Council should be filled by election, and others reserved to be filled by nomination by the local Government. I will fix the number of the seats to be filled by election to five and the remaining three to be filled by nomination in the following proportions:—

Election.

Muhammadans	3
Hindu	1
Sikh	1

Nomination.

Muhammadan	1
Hindu	1
Christian and Sikh	1

As to the creation of an electorate the members of each community on the Provincial and Divisional Darbar lists, the Fellows of Universities, the Chamber of Commerce should be formed into an electorate for electing their representatives on the Provincial Legislative Council.

(9), (10), and (11) I do not think that municipal and district boards could safely be entrusted with the power of electing members to the Legislative Council. The members of different boards, and in fact on each board, do not occupy the same position and do not possess that qualification that could be expected to enable them to give a suitable vote on occasions of elections to councils. Besides in certain districts and towns there are influential and talented men who may or may not sit in these boards, while in others such persons are either non-existent or are very few. It will therefore be unfair to give equal power of voting to all members of municipal and district boards for purposes of these elections.

(12) This question has been replied under question 11.

V. *Discussion of Budget in the Legislative Council*—

(13) Yes.

(14) Yes.

(15) Yes.

ABDUL GHAFUR,

KHAN OF ZAIDA,

Divisional and Sessions Judge, Jhelum.

No. 782, dated 27th November 1907.

From—H. J. Maynard, Esq., Deputy Commissioner, Multan,
To—The Commissioner, Multan Division.

With reference to correspondence ending with your no. 1011, dated 20th November 1907, I have the honour to forward a note by Mr. Boyd and separate written opinions of classes, associations, and individuals noted below:—

(1) Anjuman-i-Islamia, Multan.
(2) Babu Mahendro Nath Banerji, pleader
(3) Arya Samaj, Multan.
(4) Sri Guru Singh Sabha, Multan.
(5) Sukhdeo Bukhsh Multani Chand, Bankers.
(6) Makhdum Hassan Bakhsh, Kureshi, K.B.
(7) R. B. Hari Chand, Vice-President, municipal committee.
(8) Tahsildar of Shujabad, submitting opinions in vernacular of some leading zemindars.
(9) Sheikh Abdul Haq, pleader, Vice-President, municipal committee, Multan.
(10) Sanatan Dharam Sabha, Multan.
(11) Syad Daulat Shah, Lambardar, Shujabad.

H. J. MAYNARD,
Deputy Commissioner, Multan.

Endorsement by the Commissioner, Multan Division, no. 1052, *dated Multan, 28th November* 1907.

Copy, with enclosures in original, forwaded to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to Government, Punjab, in continuation of this office endorsement no. 1054, dated 28th November 1907.

M. W. FENTON,
Offg. Commissioner, Multan Division.

Memo. of opinion on the proposals contained in the Government of India letter no. 2310-2317, *dated 24th August* 1907, *by D. J. Boyd, Esq., late Deputy Commissioner, dated 25th November* 1907.

A.—I have consulted the various political and religious societies of Multan, the Bar, and several of the more prominent land-owners and merchants on the subjects discussed in the letter of the Government of India. On the whole the interest taken in the matter is not quite what might have been hoped for. Several persons to whom the proposals were submitted for opinion have not favoured me with a reply, and I have been given to understand that the replies of at least one of the bodies consulted was the work of one member only and he was a pleader.

B.—With regard to the questions appended to the letter of the Punjab Government I have the honour to submit the following reply:—

I. All those consulted have agreed that an Advisory Council will be of great service to the country and I fully agree myself. It may seem superfluous to constitute a council which shall have no powers especially when Government already consults persons of the same status as the proposed Imperial Councillors. But it may be necessary at some distant date to have an assembly that shall form a check on legislative bodies constituted on a more popular basis than is at present dreamed of and if only for this reason the new Advisory Council appears to me a step in the direction. It should also go some way to remove any ground that may exist for the reproach of parochialism and narrow-mindedness level at the bureaucratic Government of India by one of its former heads. There are the further advantages of rendering the Government more popular and acceptable to the people, of providing a convenient means of making known the views of Government and the principles of its policy and of furthering the movement in the direction of unity.

With regard to the proposals contained in paragraph 5 of the letter of the Government of India several bodies and persons among those consulted would make the council an elected assembly, and most propose that it should contain representatives of the commercial and educated interests and of the legal profession. The council should certainly not be elected, but I think that it would be a mistake tó confine the membership to territorial magnates. It is true that commercial interests are fully voiced through the various Chambers of Commerce, but an argument of this nature would apply with equal force in the case of the landed aristocracy who are in almost daily communication with Government or its officials. The number of members of the commercial classes called to the council need not bear a large proportion to the whole, but to exclude them altogether would, I think, be a great mistake. Their inclusion would not necessitate the representation of the professions and Universities, but I think that such representation is not inadvisable by any means. The wider the range of opinion that Government has at its disposal the better will be the chance of reaching a sound conclusion. I have no amendments to propose with regard to the remaining suggestion in paragraph 5 of the letter of the Government of India. Those consulted generally protest against the provision that the deliberations of the council when called together should be private and confidential, as they fear that the members will in such case be inclined to acquiesce in Government proposals too easily. I do not think that the fear is well founded and the advantage of getting an honest opinion, which is not meant merely for the benefit of the gods, far outweighs this objection.

II. (2) With regard to the Provincial Advisory Council I would not alter the proposals of the Imperial and Provincial Governments in any way. The Arya Samaj suggests that the Provincial Advisory Council be elected or else that Advisory Councils be elected for each district or division and the members of the Provincial Advisory Council selected from these bodies. The proposal of the Bar is similar to this. The Singh Sabha favour a combination of election and nomination. The establishment of Divisional Councils would, I think, introduce an unnecessary complication into the administration and district boards as at present constituted appear the fittest councils for Punjab district.

III. (3) The proposal to enlarge the Imperial Legislative Council has met with universal approval. I would not suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter.

(4) Yes.

(5) I approve of the selection of one of the great land-owners of the province to the Imperial Legislative Council, and think that he should be elected by the land-owning members of the Provincial body from among the land-owners of the province who pay over Rs. 2,500 land revenue.

(6) Hindus generally object strongly to the proposal to appoint four Muhammadans to the Imperial Legislative Council. In municipal committees it has sometimes been found necessary to fix a definite proportion between the Hindu and Muhammadan members. Since experience has shown that under ordinary systems of election the Muhammadan community does not get a fair representation, it seems to me best to reserve a certain number of seats in the Imperial Legislative Council for Musalmans.

But to give Muhammadans the right of electing two members when no other class enjoys any right of election seems to me unwise, as it is certain to rouse bitter ill-feeling and undo most of the good that the new liberal policy is calculated to effect. The object aimed at would be effected equally well by adding the two seats which it is proposed to reserve for election by Musalmans to the number at the disposal of the Viceroy. This would raise the number of seats to be filled by nomination to six, and it should be provided in the new constitution that at least six members of the council shall be Musalmans, the deficiency in the number elected in the ordinary course being made up by nomination. It is a pity that such a provision should be necessary, but I believe it to be so, and the arrangement proposed above seems to me less invidious and less likely to provoke ill-feeling than the grant of special electoral privileges to the Muhammadan community. If the proposal contained in paragraph 12 (*d*) of the Government of India letter be adopted the electorate for Muhammadan members proposed by the deputation might well be tried, I think. The experiment is proposed by leading Musalmans themselves, and there is nothing objectionable in it. The difficulty of compiling a register of voters under section 18 (*c*) does not seem very serious. If the electorate were confined to Muhammadan non-official members of the Provincial Councils, they would have a disproportionate voice in the appointment of members of the Imperial Legislative Council. I would not in any way restrict the Viceroy's choice in the nomination of four members and would delete the words "not less than two to be Musalmans" in paragraph 12 E.

IV. (7) The general opinion seems to be that the Punjab Legislative Council should be increased in number to 20 or 21. The local Bar considers that, in view of the power of electing members to the Imperial Legislative Council possessed by the non-official members of the Provincial Council, the membership of the latter should be

raised to 37, of whom 20 should be officials. It would be very difficult to spare so many officials from ordinary work, but it would always be possible to get 10 official members of the council besides His Honour the Lieutenant-Governor.

(8) Of the non-official members I think that 3 should be nominated and the rest elected. At least one of the seats for nominated members should be reserved for a commercial man.

(9) This question is answered below.

(10) The method of election that I would propose is one that has found favour with several of the persons consulted by me, but the Bar, Arya Samaj, Singh Sabha, deprecate any proposal to make district boards and municipal committees into electoral college, on the ground that the members are too much under official influence. The non-official members of the district boards of each division might elect one member, who need not be of their number, but should be a land-owner paying not less than Rs. 2,500 land revenue. This would secure an adequate representation of the land-owners of the province. The remaining two seats should be filled by the election of a representative possessing one of the following qualifications:—

(*a*) The payment of not less than Rs. 2,500 land revenue.

(*b*) The payment of not less than Rs. 1,000 income-tax.

(*c*) The fellowship of the Punjab University.

The electorate for these two seats might be the non-official members of 1st class municipal committees. This electorate has the disadvantage of excluding the members of minor municipalities who are many of them quite as intelligent as their brothers who inhabit large cities, but any other electorate would be unwieldy, and simplicity should be aimed at to start with. Election should be direct in the case of both municipal committees and district boards. It would not be necessary for all the electors to assemble in one place. Their votes could be recorded at the head-quarters of each district.

(11) I would not advocate any further representation of classes than indicated above. I do not think that any changes in the direction of special class representation are called for in the district boards of the Punjab. In a few municipal committees it may be advisable to secure adequate representation of minorities, but each case should be dealt separately as at present. The general opinion seems to be that there is no need for changes in the constitution of local bodies in this province.

(12) If the system proposed by me above be adopted there will be no necessity for any special representation of Muhammadans. The latter form the majority of the agricultural classes of the province and would probably secure a majority of the seats in the elections by district boards. It would be a pity to introduce any principle of special representation unless it were absolutely necessary.

V. (13), (14), and (15) Yes.

Finally, I should note that although election has been advocated generally as a means of appointment to the various councils, opinion is not unanimous on the subject. Muhammadan land-owners of the old school do not seem anxious for its introduction.

D. J. BOYD,

(Late) Deputy Commissioner, Multan.

Opinion of the Anjuman-i-Islamia, Multan, in connection with Government of India letter no. 2310—2317, *dated* 24*th August* 1907.

I. (1) *Imperial Advisory Council.*—Undoubtedly such a council would be of great service to the country. Following alterations are respectfully suggested regarding its constitution and duties:—

(*a*) Number of its members should *not be less than one hundred* for the whole of India.

(*b*) In addition to the ruling Chiefs and territorial magnates, gentlemen of *legal profession* and representatives of *Commerce and Education* may also be appointed as its members.

(*c*) In each of the above classes number of Hindu and Muhammadan members should be equal.

(*d*) The councillors should be at liberty to *confidentially* make any suggestion in cases of need and importance to His Excellency the Viceroy of India, who of course may or may not take any action on it.

(*e*) Proceedings of the council should not be confidential.

(*f*) On every occasion of consultation *more than one* member should be consulted, and if possible the minimum number of members consulted should not be less than ten.

II. (2) *Provincial Advisory Councils.*—Such institutions will be a boon to the country and should be on the same line with the Imperial Advisory Council.

(3) *Imperial Legislative Council.*—The Anjuman approves with heartfelt gratitude the enlargement of the council and recognition of the interests of land-holders in general and of Muhammadans in particular. It respectfully prays that the number of seats specially reserved for Muhammadans be *raised from four to eight.*

(4) Yes.

(5) The representative of the land-holders should be elected to the Imperial Council by *the land-holding members of the Provincial* Council.

(6) The Anjuman with a grateful heart approves of the scheme, and prays that the number of such Muhammadan members *be raised from four to eight.*

The electorate for Muhammadans be one that is described in paragraph 18 of the Government of India letter.

IV. (7) *The Provincial Legislative Council.*—Yes, the number of its members may be increased to *twenty.*

(8) *One-third* of the unofficial seats should be filled up by *nomination* and the *two-thirds* by *election.*

(9) Hindus and Muhammadans should be represented and in a fixed proportion, *viz.*, one-third being Hindus and two-thirds Muhammadans.

(10) The two classes *should elect separately* their own representatives.

Following electorate is suggested:—

1. Fellows and graduates of ten years' standing of the Punjab University (Muhammadans or Hindus as the case may be).
2. Persons paying income-tax upon an annual income of Rs. 12,000 or paying an amount of land revenue indicating a corresponding income.
3. One representative of each 1st class municipality and district board.

(11) and (12) are answered under (8), (9), and (10).

(13) Yes.

(14) The Budget should be discussed by separate heads in the Provincial Council too.

(15) The Anjuman *most strongly advocates* the introduction into the Punjab Provincial Council of the power of *interpellation* by members.

MUHAMMAD BUKSH, B.A., *Pleader,*
Secretary, Anjuman-i-Islamia, Multan.

Opinion of Babu Mahendro Nath Banerji, Pleader.

Advisory Council is a good idea if its constitution is suited to attain the desired object in view, but much depends on its members. Prudence, moderation, independence, thorough insight of the Province, and high sense of duty and responsibility are the chief qualifications of the members in view of the aim, and if the majority lack in one or more of the qualities the council will be a useless measure and may result in evils in a country like India. Nomination by the Provincial heads is not likely to be satisfactory, and the interests of the different districts are not likely to be kept in view in the way it should be. As His Excellency the Viceroy has to depend chiefly on Provincial heads, so they in their turn have to depend mostly on the administrative heads of their divisions and districts; therefore Advisory Councils will, in our humble opinion, be likely more effective in operation, if they are made to work at the source from which the spring arises; therefore formation of District Advisory Councils is a desirable measure. The district boards in their present state will, we apprehend, not serve the purpose; the reconstitution suggested by getting all classes represented will not work well in India for various reasons. If District Advisory Councils are considered inexpedient, Divisional Advisory Councils may be constituted without making the measure unnecessarily complicated. The next question which naturally arises is—Should the councillors be nominated or elected? The best course is to have them elected by His Majesty's qualified subjects, who are likely to take some interest in the matter. Election by the mass is injurious. The voters should be limited in number

with some standard of education and means for their eligibility. Such a measure has the additional advantage of educating His Majesty's deserving subjects politically and is calculated to develop their administrative faculties.

The Divisional Advisory Councils may be partly elected and partly nominated by the Commissioners, but the elected members should be in the majority.

District or Divisional Advisory Councils having thus been formed, the Provincial Councils are to be formed out of their members by nomination by the heads of the different provinces who will be allowed to have some additional members from outside these circles to make up want of deficiency of representation of class interests. In the same way the Imperial Advisory Council is to be formed out of the Provincial Councils with similar right of getting members from outside these circles.

Imperial Legislative Council.

The characteristic feature of the proposed measure is to allow the Muhammadans only the right of election. If more Muhammadan members be found desirable some elastic provisions may be made for the purpose; but to allow a class which is in the minority in the country such an important right, which is denied to the other class which is in the majority, especially when the latter class is far more advanced in education, both numerically and substantially, can hardly be considered a healthy sign of liberal British administration. It is a measure incompatible with the views of a governing nation remarkable for its love of free representative system. It is true that a desirable representation of class interest within the narrow scope of the privilege proposed is impossible in a country like India where the people are so divergent in creed and interest that they know of no common cause. It cannot be denied that Hindus and Muhammadans are antagonistic and can hardly be expected to agree even in a common cause; therefore any measure calculated to widen the gulf between the two classes would not be a wise policy. The difficulties in uniting them may be innumerable, but the chief aim of our wise Government should always be to educate its subjects in such a way that they may in distant future form into a nation for administrative deliberations.

Answers to Questions.

I. (1) Imperial Advisory Council would be of some service to the country if constituted on the line suggested, *viz.*, formation of District or Divisional Councils by election and then nomination of Provincial and Imperial Councillors out of the Divisional and Provincial Councils respectively as suggested.

II. (2) Has already been answered.

III. (3) Enlargement of the Imperial Legislative Council is expedient and desirable for various reasons, but it should be so enlarged as to afford sufficient scope for representation of class interests so far as possible within the narrow compass.

(4) Election of a member by each of the Provincial Legislative Council is a suitable proposal for India, provided the Government can afford to enlarge the Provincial Councils considerably, which means considerable loss of time of Government officers. But we should not care for the loss when we find no other system so well suited to the country. For the advanced provinces of Bengal, Bombay, and Madras some other method may be suggested, but it will not work well in other provinces.

(5) The election of one great land-owner of this province is desirable, but despite the disadvantages of election by the entire body of land-holders, a representative of the land-holding members of the Provincial Legislative Council, who may be very few, is not at all satisfactory. Direct election is therefore desirable.

The eligibility of an elector should be such that the total number of voters may not be less than 75 or more than 150 in each province.

The qualification therefore of an elector should be payment of Rs. 3,000 land revenue, but the eligibility of the representative should be higher and he should have a fair knowledge of English.

(6) The proposed appointment of four Muhammadan members certain in the council when there is no guarantee of even one member of any other class is undesirable, especially under the present state of circumstances and feelings. It is calculated to promote the existing breach between the two important sections of His Majesty's Indian subjects to such an extent as to render their union even in administrative deliberations a hopeless task. Therefore Muhammadans alone should not be given the right of electing two members and the nomination of the four non-officials should not be restricted by the clause "not less than two to be Muhammadans."

The other proposals for election being reasonable the two seats by Muhammadan election require disposal.

The universities or at least those well constituted and organised should be allowed some privilege as well as the Indian commerce, but regard being had to the seats at disposal it is difficult to make a satisfactory allotment till the Viceroy be pleased to make additional opening. The University of Calcutta is at present for two Provinces and Burma too. It is a well organized body of able and well qualified educated men. It has the reputation of being the first University in the country; therefore it may be safely entrusted to return one member by election and the other member may be allowed to the Indian commerce of Bombay or Bombay University which stands second in rank.

IV. (7) Certainly we advocate increase in the present number of members, and considering that its non-official members will have to elect a member for the Imperial Council it is desirable that interests of all classes should be represented. The land-holders who are to be principally affected by local legislation have better claim for representation. We suggest that the number may be increased to 37 excluding His Honour.

Provincial Legislative Council, Punjab.

(8) Out of the 37 members 20 will be officials, 11 elected, and 4 to be nominated by His Honour to make up want or deficiency of class representation and 2 experts.

(9) The population may be divided in two grand divisions—agricultural including land-owners and non-agricultural. The Muhammadan zamindars are in the majority and they are not so as regards urban population.

We therefore suggest distribution of seats as follows:—

By land-holders (zamindars) one for each division	5
By Hindus	1
By Muhammadans	1
By Christians	1
By Sikhs	1
By Punjab University	1
By professional men, barristers, pleaders, doctors, engineers and graduates of 10 years' standing	1
Non-officials to be elected by His Honour to represent minority or special interest	4
TOTAL	15

(10) We do not advocate elections through municipal or district boards. Their present state is not so as to guarantee satisfactory election. Election by qualified voters of each class is desirable.

	Rs.
Land-holders paying Government revenue	2,500 a year.
Hindus and Muhammadans paying income-tax on an income of	5,000 ,,
Sikhs paying income-tax on	2,000 ,,
Christians paying income-tax on	2,000 ,,
Professional men, lawyers, doctors, engineers, and graduates of 10 years, paying income-tax on	2,000 ,,

(11) There should be general election by qualified voters.

(12) Not necessary.

V. (13) The proposed amendment of Budget discussion is salutary and we are for it.

(14) We advocate discussion of Provincial Budget in the Punjab Legislative Council.

(15) There should be power of interpellation by members.

18th October 1907.

M. N. BANERJI,
Pleader.

Dated Multan, 21st October 1907.

From—LALA ISHWAR DAS, Secretary, Arya Samaj, Multan,

To—The Deputy Commissioner, Multan.

I have the honour to return papers relating to Imperial and Provincial Advisory Councils, etc., with replies of the three Arya Samajes Inside Bohar Gate, Haram Gate, and Multan Cantonment to the questions on which replies were required.

ISHWAR DAS,
Secretary, Arya Samaj, Multan.

The following are the replies to questions as passed in the executive committees of the Arya Samajes—Haram Gate, Bohar Gate, and Cantonment, Multan:—

I. (1) *Imperial Advisory Council.*—That the Council as proposed, if formed, will prove of some service to the country no doubt. But as regards its constitution, it is suggested that instead of all the members being nominated by the Viceroy, the majority of the members be selected by him from the elected councillors of the Provincial Advisory Councils of which mention is made in answer II.

Besides the interests of industry, commerce, capital, and other professional classes should also be kept in view when nomination or selection of members is made by the Viceroy.

II. (2) *Provincial Advisory Councils.*—This council would serve a great purpose if the majority of the members are appointed by election. If the organisation of the general electorate for the province be deemed inadvisable by the local Government, it may get over the difficulty by assigning to each district or at least to each division a separate Advisory Council, the members of which should all be elected. From these minor or divisional councils the local Government should select members for its own council.

III. (3) *Imperial Legislative Council.*—Yes, the enlargement of the Imperial Legislative Council is essential, but in clause 12 D (*d*) of the Government of India letter the words "by Universities of India" be substituted for the words "by Muhammadans." And in clause 12 E the words "not less than two to be Muhammadans" should be omitted and that all the four seats should be left at the disposal of the Viceroy to safeguard the interests of the minorities and other unrepresented classes.

(4) Yes.

(5) Yes, a great land-owner of this province may be appointed a member of the Imperial Legislative Council by direct election. The electorate should consist of the following persons:—

(*a*) Persons paying land revenue Rs. 2,000 or more a year.

(*b*) Persons paying an income-tax on an annual income of Rs. 5,000 or more.

(*c*) All graduates of ten years' standing and over.

(6) No.

IV. (7) *Provincial Legislative Council in the Punjab.*—Yes. The number of members of the Provincial Legislative Council can safely be raised to 20, but if sufficient number of officials whose majority is to be kept in view be not forthcoming the number may be raised to 15 for the present, including the Lieutenant-Governor of the Province.

(8) All non-official seats should be filled up by election.

(9) Yes, a fixed rule determining the proportion of seats to be allotted to each should be observed as follows:—

One Hindu, one Sikh, two Muhammadans. One seat should be allotted to the Senate of the University to represent education and another seat should be left for the representation of other minor interests such as commerce and capital. Thus out of 15 members of the council 6 at least should be unofficial members.

(10) The election should in no case be resorted to through municipal or district boards.

The same electorate would do as is mentioned in answer no. 5.

(11) The answer to this question is covered by the answer to the previous question no. 10.

(12) No separate provision should be made for the Muhammadans.

V. (13) Yes, the system of discussing the budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes. The Provincial Budget should be discussed in the Punjab Provincial Council under separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) Yes, the power of interpellation should be introduced in the Punjab Legislative Council.

KASHI RAM,
Secretary, Arya Samaj, Multan Cantonment.

NARSINGH DAS,
Secretary, Arya Samaj, Haram Gate, Multan.

ISHWAR DAS,
Secretary, Arya Samaj,
Inside Bohar Gate, Multan City.

Letter dated Multan, 24th October 1907.

From—The Chief President, Siri Guru Singh Sabha, Multan,

To—The Deputy Commissioner, Multan.

I have the honour to forward herewith answers to the questions in the Government of India letter no. 2310—2317, dated 24th August 1907, for your kind consideration.

The enclosures were received for opinion and are returned herewith.

CHIEF PRESIDENT,

Siri Guru Singh Sabha.

Imperial Advisory Council.

Question 1.—Time has come when such a council may be constituted, and if properly constituted it will be of great service to the country.

Punjab Government letter.

Since the Government is already taking advice of the important and influential persons on occasions, it would be better to form a regular Imperial Advisory Council and thus to fix the councillors with some responsibility.

It should be elected and not nominated. But a few seats may be reserved for nomination by the Viceroy.

The object being to secure the opinion of the representatives of the people the councillors should be mostly elected by the people.

The Government rightly propose that their opinions will not be binding; and there is sufficient protection of the Government interests in this provision. The number should be raised from sixty to hundred besides the Viceroy. The members of the Executive Council of the Viceroy should be its *ex-officio* members. Each province may be authorized to elect a certain number. The whole province may have an electorate body; and the qualifications of both the electors and the candidate councillors should be fixed. Each province to maintain a list of electors and of the persons eligible for election.

Qualifications of electors.

1. Payment of Government revenue Rs. 500 a year.
2. Payment of income-tax Rs. 50 a year.
3. Graduate of university.
4. Pleaders, barristers.
5. President or manager of any religious society.

Qualification of candidate councillor.

1. Payment of Government revenue Rs. 5,000 a year.
2. Payment of income-tax Rs. 500 a year.
3. Pleader or barrister or graduate of a university with an income of Rs. 5,000 a year, and must be of 10 and 5 years' standing, respectively.

If these qualifications may be considered too low for any or all of them, they may be raised to proper limits.

The fact that a person is a pleader or barrister or graduate of a University does not afford sufficient guarantee that his opinion will be sound and practicable; so a further condition of income should be attached in the case. The few appointments to be made by the Viceroy by nomination would afford ample power to the Viceroy to secure a representation of special interests or of communities who may be found in a backward condition.

The Sikhs deserve a special consideration on account of their being mostly employed in the military department; they cannot look after the education of their children and so they are in a backward condition compared with the other classes.

The method of consultation should as a rule be at meetings held for this purpose.

But the Viceroy may for reasons recorded dispense with the holding of such a meeting on occasions when in his opinion a meeting is impracticable or inexpedient.

Their opinion should not be taken in *private* or *individually*. There are many ambitious people in this country who in order to advance their own private interest do

not represent true facts to the Government and mislead the people as well. By taking their opinion openly such people will have less opportunity of doing this mischief.

The proceedings need not be published for public information. There are several societies in this country whose proceedings do not see the light of the day and there is no reason why the proceedings of this council may not be kept confidential and secret.

Paragraph 5 *of Government of India letter.*

Clauses—

1. May stand.

2. That a certain number may be nominated by the Viceroy and the rest elected, and their title may remain " Imperial Councillors."

3. The number may be raised to hundred as above stated, some of whom to be elected and some nominated.

4. That the members may hold office for three years. This will afford an opportunity to the Viceroy to see more of the qualified persons of the country.

5. May stand.

6. May stand.

7. The proceedings may remain confidential, but opinion should be taken at meeting. In the case of absent councillors their opinion, if received, should be laid before the other councillors for information and guidance.

Question II. Provincial Advisory Councils.—May be constituted on the same lines as the Imperial Advisory Councils. Some seats may be reserved for nomination by the Lieutenant-Governor and the other thrown open for election. The qualifications of the electors and persons eligible for election should be on the basis of property and educational qualification and not on the basis of religion or class.

The method of consultation and their proceedings should be of the same character as those of the Imperial Advisory Council. The Lieutenant-Governor may dispense with the holding of meetings on particular occasions when he finds for reasons to be recorded that a meeting is unnecessary or inexpedient. The reservation of some seats by nomination is a sufficient protection of special interests or to represent the backward communities like the Sikhs in the Punjab.

The number should be raised to thirty-three instead of twenty, so that each district may have a representative.

The Government have tried the method of private and individual consultation for a long time and admittedly without success. Let a trial be given to open consultation in the manner proposed above.

The name of the councillors: their powers may remain the same as in the case of Imperial Advisory Councillors. As the council is to receive no legislative recognition the interests of the Government are quite safe. Their opinion need not bind the Government.

Question III. The Imperial Legislative Council.—May be enlarged and the number may be increased to fifty-three besides the Viceroy; but the constitution should be as below:—

Para. 12 of Government of India letter:—

Sub-clause A. May stand.

B. May stand.

C. Two ruling Chiefs instead of one.

D. Elected members.

A. May stand.

B. May stand.

C. May stand.

D. By Muhammadans 1

By Hindus 1

By Sikhs 1

E. Instead of 4, 2 of whom are to be Muhammadans *only 2 may be nominated without any distinction of religion.*

F. May stand.

Question IV.—The Provincial Legislative Councils may be authorized to elect one member as proposed in paragraph 3 of the Government of India letter.

Question V.—Yes, a list of electors should be kept in each province, and the electors should elect direct their nominee; but the qualification of a voter should not be fixed so high. Instead of ten thousand for this province it may be reduced to one thousand only.

Question VI.—No. Instead of two seats to be reserved for Muhammadans by election among themselves, one may be awarded to the Muhammadans, one to the Hindus, and one to the Sikhs.

Each class to elect one of their own class. Instead of the Viceroy nominating four seats two of whom to be Muhammadans, the Viceroy may be authorized to nominate two only, *and those also without any reference to religion or class.* They may be Christians, Europeans, Parsis, Sikhs, Hindus, or Muhammadans. The special mention of Muhammadans to the exclusion of the other communities might prove a source of ill-feeling among other classes, and might encourage the Muhammadans unduly, and they might assume feelings of hostility to the other classes, and this the Government would never intend or mean.

Question VII.—Yes, an increase in the number of councillors is necessary; may be raised from 12 to 15.

Question VIII.—The seats should be mostly elected, and the Lieutenant-Governor may have the power to nominate a few seats to secure the representation of special interests.

Question IX.—The best scheme will be to have an electorate body in each district, and the qualification of the electors should be fixed on the basis of property and educational qualifications. The distribution of seats on classes will be impracticable in this province. The Indian communities are divided into a variety of sub-communities, and it is difficult to extend the privilege to each of them; and until this extension reaches to each and all of them they will not be satisfied. For instance *Hindu Khatris* are divided into several sub-castes which forms a class in itself and differ from each other in their social dealings. It is impossible to satisfy each and all of the classes. So the best basis should be the property of qualification. One feels that his own interests may not be at stake. The reservation of some seats for nomination would afford ample safeguard in the hands of the Government to represent special interests or minorities. This electorate body should be quite independent of the municipal body or the district board. In the Punjab the official influence in both these institutions is so great that the elections made by them would not fulfil the very object of the Government, *viz.*, to secure the voice of the people. As the Government is to maintain a majority of their own by appointing so many officials, there is no fear of the Government's interests being at risk.

Question X.—Therefore no election should take place through the district board or the municipal committees. The qualifications of the electors may be fixed on the same lines or with some modifications as those fixed for the Provincial Advisory Councils. All classes should be allowed to vote, if qualified, on the basis of property or educational qualifications.

Question XI.—We don't advocate a separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter. Nor we suggest any corresponding changes in the constitution of the municipal committees or district boards in the manner indicated in paragraph 22(*b*) nor in any other manner. The Government has ample power to nominate members to either of these institutions. If the district officers would exercise their discretion carefully in recommending persons for nomination better members could be nominated. The district officer has his hands too full with other more important duties, the duties relating to the municipality or the district board being of a secondary importance to him; he is generally indifferent, and thus an opportunity is allowed to the officer to recommend people who are not desirable or fit. As great deal of the success of the administration depends on the district officer, the Government should make the best selection in posting an officer to be in charge of a district. As a rule, he should be liberal-minded, sympathetic, and of firmness of mind and character, and not in the least of sound opinion. He should never be a man of short temper, infirm, or revengeful, and in making recommendation for nomination should take into consideration the interest a candidate has taken in public matters. The suggestions made in paragraph 22 (*b*) of the Government of India letter dividing the seats into classes—land-holders, cultivators, artisans, and traders—could not be appreciated, as there is a great disproportion in the number of each of the said classes, and this will lead to jealousy and friction among them. There is a further risk that the class returning more members by election may not run with the idea that the Government is unduly favouring them, which idea when manifested by them is bound to lead to unpleasantness which the Government did never contemplate.

Question XII.—We do not propose that Muhammadans should have a separate representation to the exclusion of the other classes. And privilege should not be allowed in the interests of good administration. There is already a great deal of feeling in the country that the Muhammadans are unjustly favoured by the Government, and if it is declared so openly by the Government the feeling may become more intense and serious, which it is not desirable to encourage. *Why the Sikhs should not be allowed this privilege?* They will claim it.

Question XIII.—Yes, we consider that the discussion of the Budget be adapted to the manner suggested in paragraph 23 of the Government of India letter.

Question XIV.—Yes, we consider that the Provincial Budget be discussed in the Provincial Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

Question XV.—Yes, we do advocate the introduction of the power of interpellation into the Punjab Legislative Council

PARDUMAN SINGH, BABA,
Chief President.

SARAN SINGH, *Secretary,*
Siri Guru Singh Sabha, Multan.

MULTAN:
The 24th October 1907.

Memo., dated Multan City, the 30th October 1907.

From—SUKHDEO BAKSH-MULTAN CHAND, Bankers,

To—The Deputy Commissioner, Multan.

I beg to attach replies to the questions which you were pleased to send me for my opinion, as desired in connection with Government of India letter no. 2310, dated 24th August 1907.

MULTAN CHAND, *Banker.*

Answers of questions on which opinions are desired in connection with Government of India letter no. 2310, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—The Council would be really more useful to the country if the following modifications are made in the proposals made in paragraph 5:—

(*a*) Power of initiation—

i.e., whenever ten or more members of the council make a joint requisition to the Government of India for purpose of consultation on a subject other than the political affecting India in general, Government should convene the council and take its advice on that matter. Whether Government may act upon it or not that is quite different thing.

(*b*) Publicity of its proceedings—

That the proceedings of the council when called together for consultation to be public, *i.e.*, public may be permitted to the assembly room and its proceedings to be published. The assembly to be presided over by its own member and not by the head or the official of the Government.

II. (2) *Provincial Advisory Council.*—It will certainly be a useful institution. The following modifications are suggested:—

(*a*) }
(*b*) } Same as suggested in question I (1) Imperial Advisory Council above.

(*c*) Government of India seem to have laid great stress on the due representation of landed interest, but I respectfully submit that goodly number of members should represent trade and commerce, to which I belong.

For the present for purposes of representation to the Provincial Council, member paying certain amount of income-tax to be nominated, as in case of land-holders paying certain amount of revenue. For the present I will fix tax of Rs. 2,500 per annum as the qualification for representation.

III. (3) *Imperial Legislative Council.*—I quite approve of an enlargement of the Imperial Legislative Council. I beg to suggest the following modifications in the scheme:—

(*a*) In clause D.—Elected members—

Only two members are allowed to be elected by trade and commerce of the country; these two are by the leading Chamber of Commerce of Calcutta and Bombay. In my opinion this privilege to be given to other Chamber of Commerce by rotation in case the number cannot be increased, and if this cannot be done, there should be limitation in election that one member to be Englishman and another Indian, to represent Indian side of trade and commerce

(*b*) I will like to do away with special privilege given to Muhammadans in clause (*d*) of D and clause E.

III. (4) I do approve of the proposal that one member should be elected by the Provincial Legislative Council.

III. (5) I do not approve of the selection (not by election) of one of the great landowners of this province to the Imperial Council by the local Government, but the circle of selection to be limited by fixing a very high minimum grant of revenue.

III. (6) *I do not* approve of the proposed appointment of four Muhammadans to the Imperial Council under clause II (*d*) and E as suggested above.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I will certainly advocate an increase in the present number of members to the Provincial Council. I will fix it to 20, excluding the Lieutenant-Governor, *i.e.*, 21 altogether, including the Lieutenant-Governor.

IV. (8) I will have all the unofficial seats to be filled by election from a limited group, qualification of whose member to be fixed beforehand.

IV. (9) Seats to be allotted to each class beforehand. Out of 21 seats, 11 to be official and 10 non-official. Out of 10 non-official seats, I will allot—

3 seats to landed interest. Circle of candidates to be limited by fixing their qualification, say, to payment of revenue of Rs. 12,500 a year.

3 seats to trade and commerce. The candidate's qualification to be payment of income-tax of Rs. 2,500 a year on his own behalf.

2 seats to the learned profession. In this case qualification of candidate to be—

(1) Graduate of the University.

(2) Five years' standing.

(3) Income-tax payment of Rs. 150 a year.

2 seats to the municipalities in the province—

(1) Municipal committee to be of the first class only.

(2) Candidate to be vice-president or president of these committees or chairman of the sub-committees of these committees.

IV. (10) See answer to question IV (9).

IV. (11) Ditto ditto.

IV. (12) Ditto ditto.

V. (13) *Discussion of the Budget in the Legislative Council.*—Yes.

V. (14) Yes. I won't advocate its discussion by separate heads in the manner suggested in paragraph 22 of the Government of India letter.

V. (15) I do advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

MULTAN CHAND.

Dated Multan, 8th November 1907.

From—KHAN BAHADUR MAKHDUM HUSAIN BUKSH, Qurashi, Sajjada Nashin of the shrines of Bahawal Haq and Rukn-i-Alam, Multan,

To—The Deputy Commissioner, Multan.

With reference to Government of India letter no. 2310—2317, dated 24th August last, I beg to answer the questions contained therein as follows:—

(1) An Imperial Advisory Council will certainly prove beneficial for India. I would suggest no alteration or addition to what has already been proposed in paragraph 3.

(2) A provincial Council will also be beneficial for Punjab as resolved.

(3) The Legislative Council should be increased as intended.

(4) I would recommend that one member should be selected by Provincial Council.

(5) I quite agree to the proposal that one zamindar should be selected as a member by nomination.

(6) I agree that 4 Muhammadans should be selected as members of the Imperial Council. All such members should be appointed by nomination.

(7) The number must be increased, say up to 20.

(8) The mode of appointment should be "nomination." Half of the members should be official and the other half should be non-official. Non-official members must also be appointed by nomination.

(9) In every class of people the proportion should be—

Muhammadans	2
Hindus	2
Christians	1

(10) The above should be selected out of—

Merchants.

Bankers.

Zamindars.

Makhdums, or priests of shrines as they obviously possess a great influence on the people, being their religious teachers.

(11) In my opinion election is not advisable. Nomination is the best way.

(12) *Vide* answer to questions 10 and 9.

(13) I quite agree that the Muhammadan members should all be appointed by nomination.

(14) The only alteration I would suggest is that proposed in paragraph 23 for discussing the Budget.

(15) In my opinion a debate must be held by Legislative Council of Punjab on the Provincial Budget, and different headings must be discussed.

(16) The members of the Legislative Council of Punjab must have the power of putting questions.

HASAN BAKHSH, MAKHDUM,

Qureshi Sajjada Nashin of the Shrine of Bahawal Haq and Rukn-i-Alam, Multan.

Dated 11th November 1907.

From—RAI BAHADUR HARI CHAND, Rais and Vice-President, Municipal Committee Multan,

To—The Deputy Commissioner, Multan.

In reference to Deputy Commissioner's memo. no. 2966-D., dated 12th October 1907, I beg to submit the following replies *seriatim* to the questions of Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) *The Imperial Advisory Council.*—That the council will be of great service to the country.

One-third of the Imperial Councillors should be by election, representing commerce, industry, capital, law, and other professional classes.

The Imperial Councillors should not be consulted only on matters referred to them, but they be empowered also to bring to the notice of the Viceroy such matters which are connected with the welfare of the public.

II. (2) Yes, I think Provincial Advisory Council will be very useful institution, but one-third of the members should be elected; and as to duties, the alteration be the same as stated in paragraph I above.

III. (3) *Imperial Legislative Council.*—The enlargement of the Imperial Legislative Council is essential, but in clause 12 (D) (*d*) of the letter of Government of India, the words "Indian Universities" be instituted for the words "by Muhammadan," for the racial question should not be brought in such matters and merit should only be the guide.

In clause 12 (*c*) the words "not less than 2 Muhammadans" be omitted and if these are allowed to stand then there should be special provision for the representation of Sikhs in the Punjab and Indian Christians also.

(4) Yes.

(5) I approve of the selection of one great land-owner of this province to the Imperial Council and should be nominated and not elected.

(6) The answer to this question is covered by paragraph III for reasons given therein.

IV. (7) Yes, the number of members of the Punjab Legislative Council can safely be raised to 25 including His Honour the Lieutenant-Governor of the Province.

(8) No. I don't approve of the present system of nomination. If not all, at least 7 unofficial seats should be filled up by election, 13 should be *ex-officio* members and 5 should be by nomination.

(9) Yes. The allotment of the elected seats to be—

By District Boards	2
,, Municipalities	2
,, Education	1
,, Commerce and Industry	1
,, Professional classes as Law	1

(10) The election should be made through municipalities and district boards as follows:—

Each 1st class municipality and district board should send one or more representative to give vote, and thus all the representatives of the committee and district board should elect members of the Legislative Council from amongst themselves. The University should elect a member through the Senate. The Commerce may be represented by a member who is elected by the Punjab Chamber of Commerce. Professions by the election of a pleader of at least 5 years' standing.

(11) No. I do not advocate separate representation of classes, but if it is allowed then the Sikhs and Hindus being in minority in the Punjab should have fixed number of seats on the same principle as is mentioned about the Muhammadans. There is no need of corresponding changes in the constitution of municipalities and district boards.

(12) No need of making any separate provision for the Muhammadans as it is not good to bring in racial distinction.

V. (13) Yes, the system of discussing the Budget in the Imperial Legislative Council be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes, the Provincial Budget be discussed in the Punjab Legislative Council under separate heads.

(15) Yes, the power of interpellation should be introduced in the Punjab Legislative Council.

HARICHAND, RAI BAHADUR,
Rais and Vice-President, Municipal Committee, Multan.

Opinion of Ghulam Kadir Khan, Officiating Tahsildar, Shujabad.

In compliance with Government letter no. 2310—2317, dated 24th August 1907, I have read the letter with all its enclosures to the leading zamindars of the tahsil during my tour, those of Shujabad promised to send me their opinions in camp which I have not received up to this day. Diwan Sultan Ahmad is out in Muzaffargarh district, others fully agree to the proposals laid down in Government of India letter above quoted.

Question of formation of district or Imperial Council was raised by some, which after deliberations they have decided and say that mere election will not be useful unless it is approved by district and divisional officers.

If my own humble opinion be asked I beg to say that after a careful perusal of the letter and its enclosures I fully agree to the proposals.

Translation of the foregoing read over to the undersigned:—

Malik Tota, sufedposh.
Sultan Bakhsh Khan, sufedposh.
Malik Abdullah, sufedposh.
Fatteh Muhammad Khan, zaildar Jugguwala.
Ghulam Muhammad Khan, sufedposh, and member, district board.
Abdullah Khan, sufedposh.
Malik Khair Muhammad, zaildar.
Chaudhri Asa Mal, zamindar, money-lender, and trader.
Mahmud Khan, zaildar.
Rana Palia, zaildar.

Replies from Chaudhries Narain Singh, Bhagwan Singh, and Hoa Ram were since received which are attached to this.

Their opinions differ from those of Muhammadans agreeing with one another except inasmuch as Chaudhri Bhagwan Singh approves of separate and special rules for Muhammadans. In the meeting held to read the letter of Government to the gentleman, all the Muhammadans present had authorised S. Daulat Shah to express their opinions. S. Daulat Shah has expressed the opinion in writing under the signatures of several persons which is also attached hereto, which means that they fully agree to the proposals made by Government with thanks.

SHUJABAD;
16*th November* 1907.

GHULAM KADIR KHAN,
Officiating Tahsildar, Shujabad.

Opinion by S. Abdul Haq, Vice-President, Municipal Committee, Multan, dated 19*th November* 1907.

Councils.—The question of councils is of vital importance to all classes in this country. The principles enunciated in the Government of India letter are conceived in a most statesmanlike spirit and are calculated to give impetus to the forces that have been hitherto at best neutral, thus leading to an all-round progressive movement "towards the fulfilment, in no grudging spirit, of a pledge which the peoples of India are entitled to regard as inviolable." The reforms that should ultimately be adopted must be directed to a complete overhauling of the entire machinery of self-government in consonance with the principles laid down, and I am gratified to find that the Government of India have touched upon the subject in their letter.

I. An Imperial Advisory Council would certainly be of great service to the country. With reference to paragraph 5 of the Government of India letter I have to suggest the following alterations:—

(1) Every Imperial Councillor should have the right to address communications to the Viceroy personally as well as to the Government of India on any subject whatsoever.

(2) The council should meet at least twice a year at the head-quarters of any two provinces.

(3) The proceedings of the council when called together for collective consultation may remain confidential for the present, but to ensure the council against inertia a rule might soon have to be made that they should always be published. For a longer time still the meetings should take place privately.

(4) The councillors should have their expenses paid by the Government, if practicable.

II. The same alterations apply to the Provincial Advisory Councils.

III. (3) An enlargement of the Imperial Legislative Council is highly desirable, with the exception of the fact that the number reserved for Muhammadans is too small. The scheme sketched out in paragraph 12 is approved. The heartiest thanks of the community are due to the Government for the recognition of the principle.

(4) Is answered in the affirmative.

(5) The land-holders' representative for the Punjab in the Imperial Legislative Council should be elected by the land-holding members of the Provincial Council from among land-holders generally, paying Rs. 5,000 or more as land revenue.

(6) The principle of reserving seats for Muhammadans is the life and essence of the whole scheme. It is not only from their point of view, but in the interest of the well-being of the whole country as well as of the Government. Considering the present number of Muhammadans on the Imperial Legislative Council, however, the number now allotted would scarcely do justice to the intentions and views of the Government of India so eloquently set forth in their letter, unless indeed the Provincial Councils of the Punjab and the Eastern Bengal invariably return Muhammadans, and the land-holders of these provinces also do the same. For a variety of reasons it is scarcely possible that such should be the case. Other provinces, it may be taken for granted, would never elect a Muhammadan. Accepting the numbers set forth in paragraph 12 as appointed it is necessary that to sub-clause E should be added the following "so as to insure the presence of at least eight Muhammadans on the Council."

The elected Muhammadan members should be chosen by the Muhammadan members of the Provincial Councils and Muhammadan Fellows of the local University.

IV. (7) to (9) In view of the fact that the Provincial Councils have to play such an important part and regard being had to the opinion of the Government of India, the number of the non-official members on the Punjab Legislative Council should exceed ten (see paragraph 13). In my opinion the number of non-official members should be fourteen, of whom one should be a European or Indian Christian to represent the Punjab Chamber of Commerce. Of the remaining, three are to be nominated by the Government with a view to secure seven Muhammadans, four Hindus, and two Sikhs. The Sikhs are for all practical and political purposes as good Hindus as the rest belonging to the latter community, and it is of the essence of the constitution that the Muhammadans should exceed the Hindus and Sikhs combined. The number that I have assigned to the Sikhs gives due recognition to their importance. As regards Muhammadans the proportion prescribed above is necessary on account of their population, and their peculiarly superior claims fully entitle them to consideration. I am afraid as things stand at present many of the Muhammadan magnates pride themselves in winning the adulation of others, and for this they sacrifice the interests of themselves and their community. In any meeting they are conspicuous by their absence, and we cannot count upon their votes in any election. We cannot advocate an absolutely nomination system as nominations are very naturally made merely out of these magnates. Another argument in favour of class representation is the uncertainty as to the qualifications that might be fixed. The higher the revenue test the more the Muhammadans recede to the vanishing point (see table in paragraph 5 of the Punjab Government letter).

(10) Some seats could very well be allotted for the separate representation of municipal committees and district boards. In my opinion electoral colleges could be had by each of the privileged municipalities and district boards contributing a definite number of members to vote for the election of any man in the province possessing specific qualifications. The best course probably would be to have one electorate for the municipalities and two for the district boards in the province. Of course the representatives of the district boards should be land-holders.

(11) I am positively of opinion that unless corresponding changes are made in the constitution of municipal and district boards the class representation system would be of no avail. This is the best opportunity for remedying the present unequal state of things in this province. In this way the whole would be one co-ordinated system of self-government. The backward communities would have some motive to throw off their lethargy, and communal patriotism is the lesson that they would learn for the sake of India.

(12) I would prefer election for the Muhammadans. They so much need education in politics and public spirit. They so much lack in the real active support that they owe to their Government. They should be abreast of the times and of the system of government that reigns in India. I heartily approve of the electorate suggested in the Government of India letter, paragraph 17.

V. (13) The answer is in the affirmative. Members of councils may further be authorised to send in their suggestions whilst the Budget is preparing.

(14) The answer is in the affirmative.

(15) I strongly advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

In conclusion I would take leave to suggest that all the Legislative Councils should meet at least once a month in addition to the meetings held at present.

S. ABDUL HAQ,

Vice-President, Municipal Committee, Multan.

Opinion by Shiv Ram Das, Secretary, Sanatan Dharam Sabha, Multan.

The following are the replies of the Sanatan Dharm Sabha, Multan:—

I. (1) The Imperial Advisory Council would, if properly constituted and worked, be of great service to the country.

The members be selected by His Excellency the Viceroy from the Provincial Advisory Councils. In case nomination is resorted to not only hereditary but matter-of-fact leaders should be selected. They should be persons well-known for their wide sympathies, high moral culture. They should be well read, and in no case be bigots, religious zealots, or persons who owe their existence and position in life to the widening of the gulf between the Hindus and Muhammadans, &c.

The poor and the middle classes should also be represented through their highly educated members. The interests of commerce, industry of capitalists, and of professional classes should also be represented.

There should be periodical meetings and the members should have power of initiation. All matters should be openly discussed and the proceedings made public except matters of strict political privacy.

Persons of elastic conscience on whom the Government cannot depend for their frank interchange of opinion openly and publicly may better be not allowed to pollute the Chambers of Advisory Councils by their presence.

II. (2) Such council would be useful for the remainder—see answer to the first question.

III. (3) The strength of the Legislative Council may be increased to 53. Clause 12 D (*d*) words "by Muhammadans" should be substituted "Indian Universities."

In clauses 12 E the words "not less than two to be Muhammadans" should be omitted.

The special mention of Muhammadans would give them undue importance and would foster racial feelings. Capacity and capability and public spirit should be real tests, but no difference of race or religion.

III. (4) Yes.

(5) Yes, one great land-owner may be selected by the Viceroy from the Provincial Legislative Council who may be paying annual revenue above Rs. 30,000.

(6) No.

IV. (7) Yes, the number may be increased to twenty.

(8) All non-official members should be elected.

(9) The allotment shall be made thus—

Hindus	2
Sikhs	1
Muhammadans	2
Christians	1
Education	1
Commerce	1
Capitalists	1
Artists	1

IV. (10) The election should in no case be through municipalities or district boards. An electorate of the following qualifications should be formed in each district and division:—

(*a*) Persons paying an income-tax on an annual income of Rs. 5,000 or more.

(*b*) Persons paying land revenue Rs. 2,000 or more a year.

(*c*) All graduates of ten years' standing.

(*d*) Managers of banks and factories.

(*e*) Pleaders and barristers, and selection should be out of them.

(12) There should be no separate provision for Muhammadans.

V. (13) Yes, the system may be altered in accordance with paragraph 23 of the Government of India letter.

(14) Yes, the Provincial Budget be discussed by separate heads.

V. (15) We advocate the introduction of the power of interpellation in the Punjab Legislative Council.

SHIV RAM DAS,
Secretary, Sanatan Dharm Sabha, Multan.

THAKUR DUTT, PANDIT,
President, Sanatan Dharam Sabha, Multan.

Translation of a petition, dated 2nd November 1907, from Syad Daulat Shah, Lambardar, Sufedposh, and Municipal Commissioner, Shujabad.

A great meeting presided over by Ghulam Kadir Khan, Tahsildar, was held to-day for considering the questions asked by the Punjab Government regarding the Imperial and Advisory Councils. The following gentlemen were present:—(1) Haji Rana Palia, zaildar of Basti Mathu; (2) Malik Ilahi Bakhsh, zaildar of Shahpur; (3) Malik Ghulam Nabi, zaildar of Mauza Wasan; (4) Mian Ramzan Khan, sufedposh of Soman; (5) Mian Imam Bux Khan, zaildar of Soman; (6) Khuda Baksh Khan, sufedposh of Khairpur; (7) Syad Gulab Shah, Lambardar of Basti Hajju Shah; (8) Quazi Aman Ullah, member of municipal committee, Shujabad; (9) Chaudhari Asa Nand, zamindar of Shujabad; (10) Syad Daulat Shah, sufedposh and member, of municipal committee, Shujabad; (11) Chaudhri Bhagwan Singh, sufedposh and member of municipal committee, Shujabad; (12) Chaudhri Hawa Ram, lambardar of Shujabad; (13) Chaudhri Narain Singh, zamindar and member of municipal committee, Shujabad; (14) Chaudhri Sham Singh, zaildar of Shujabad; (15) Bhai Ram Dyal, member of municipal committee, Shujabad; (16) Chaudhri Khushi Ram, sufedposh of Shujabad; and (17) Chaudhri Kala Ram. The Tahsildar opened the proceedings by reading the questions and the Government of India letter, dated 24th August 1907, and explaining the objects of the meeting. The Hindu gentlemen present took copies of the questions and of the Government of India letter in order to consider the matter, while the Mahammadans authorised the petitioner to inform Government on their behalf that they approved of the proposal made by Government. Petitioner accordingly submits this and prays for the stability of British rule in India.

Answers by Chaudhri Narain Singh, Zamindar and Rais of Shujabad, to questions asked regarding Advisory Council, etc.

(1) *Imperial Advisory Council.*—Such a council if constituted would be of service to the country, provided it is elected by and from among the members of the Provincial Advisory Council referred to in answer to question 2.

(2) *Provincial Advisory Council.*—This council would also prove a useful institution, provided its members are elected. This suggestion, if adopted, would remove the grievances (takalif) of each district or at least circle (halka). Government may select members for their (Imperial) Council from among these elected members.

(3) *Imperial Legislative Council.*—The enlargement of the Imperial Legislative Council is desirable, but in paragraph 12 heads D (*d*) and E the words "Indian Universities" should be substituted for "Muhammadans." These seats should not be exclusively reserved for Muhammadans. On the contrary the 4 seats (referred to) should be filled up by nomination by His Excellency the Viceroy from among communities who happen to be without a representative in the council.

(4) Yes, this number should be increased as proposed in paragraph 13 of Government of India letter.

(5) The selection of one of the great land-owners to the Imperial Legislative Council is desirable. He should be elected direct, due regard being paid to the following qualifications:—

(*a*) That he pays a revenue of at least Rs. 5,000.

(*b*) That he pays income-tax on an income of Rs. 10,000 *per annum*.

(*c*) That he passed some high educational test ten years ago.

(6) It is undesirable to accord special treatment to any particular community.

(7) *Provincial Legislative Council, Punjab.*—The number of members might be increased to 20.

(8) All the unofficial seats should be filled by election.

(9) There should be one fixed rule for all classes.

One member should be taken from the Education Department to represent the educated classes. The other members should be the representatives and well-wishers of other communities, *i.e.*, Hindus, Sikhs, and Muhammadans.

(10) and (11)The elections should be made according to rules regulating the election of members for committees and district boards, but due regard should be paid to qualifications detailed in my answer to question 5.

(12) No separate provision should be made for Muhammadans. The same rule should apply to all, and special treatment should not be accorded to any class.

(13) The rules regulating the discusion of the Budget in the Imperial Legislative Council should be modified.

(14) It is also desirable that the Provincial Budget should be discussed in the Provincial Legislative Council.

(15) I advocate the introduction of the power of interpellation into the Punjab Legislative Council.

Note.—The answers given by Chaudri Sewa Ram are an exact copy of the above, *i.e.*, those given by Chaudri Narain Singh.

Replies approved by the Executive Committee, Zamindara, Shujabad.

(1) Such a council would, if formed, prove of some service to the country, provided its members, instead of being nominated by His Excellency the Viceroy, are elected by the members of the Provincial Advisory Councils referred to in my reply to question 2.

(2) *Provincial Advisory Council.*—The council would also prove beneficial to the country if the seats were filled by election. This suggestion, if adopted, would serve to remove the grievances of each district or at least each circle. The local Government can itself choose members for the Advisory Council from among the members elected.

(3) *Imperial Legislative Council.*—The enlargement of the Imperial Legislative Council is desirable, but the words "Indian Universities" should be substituted for the word "Muhammadans" in paragraph 12 of the Government of India letter. The words "by Muhammadans" occurring in the same paragraph should also be omitted. All these four seats should be filled by nomination by His Excellency the Viceroy to secure the interests of minors and other communities who happen to have no representative in the council.

(4) Yes.

(5) Yes, a large land-owner should be elected direct for the Imperial Legislative Council. The candidate must possess (one of) the following qualifications:—

(1) That he pays a land revenue of Rs. 5,000 *per annum*.

(2) That he pays income-tax on Rs. 10,000.

(3) That he is a graduate of 10 years' standing.

(6) Yes.

(7) The present number of members of the Provincial Legislative Councils should be increased to 20. But if the present number of official members be considered sufficient and they should be unanimous,* the number of members should even then be increased to 15, including His Honour the Lieutenant-Governor. All non-official seats should be filled by election.

* *Sic.*

(9) There should be one fixed rule for each class. There should be 1 Hindu, 1 Sikh and 1 Muhammadan. One seat should be filled by a member of the Senate to represent the educated class and another should be reserved for a representative of minors, traders, &c.

(10) The member should be elected according to the rules regulating the election of provincial committees† and district boards. The qualifications of candidates for election should be the same as stated in my answer to question 5.

† *Sic.*

(11) The answer to this question is the same as the answer to the last question 10.

(12) Separate rules ought to be framed for Muhammadans.

(13) Yes, the rules relating to the discussion of the Budget in the Imperial Legislative Council should be modified as proposed in paragraph 23 of Government of India letter.

(14) Yes. The Provincial Budget should be discussed in the Provincial Legislative Council as suggested in paragraph 23 of Government of India letter.

(15) Yes. The power of interpellation should be conferred on members of the Provincial Legislative Council.

(16) The members shoud be invested with some power or other according to their position.

No. 514, dated 25th November 1907.

From—G. F. deMontmorency, Esq., I.C.S., Deputy Commissioner, Lyallpur,

To—The Commissioner, Multan Division.

With reference to your no. 889 of 3rd October 1907, forwarding a copy of Chief Secretary to Government, Punjab, no. 2643-S. (Home—Legislative), of 27th September 1907, I have the honour to forward:—

(a) A copy of a note by myself on the points raised.

(b) Written opinions of the following native gentlemen in original:—

(1) Lala Sewak Ram, Barrister-at-Law, Honorary Magistrate.

(2) Lala Anant Ram, Honorary Magistrate, member of Arya Samaj.

(3) Kabir Khan, Kharral, Honorary Magistrate, yeoman grantee, Chenab Colony.

(4) Dilbagh Singh, Jat Sikh, zaildar, Chenab Colony.

(5) Shahzad Khan, Kharral, of Kamalia, yeoman grantee, Chenab Colony.

(6) Resaldar Chirag Khan, Tiwana, rais, Chenab Colony.

(7) Sardar Isar Singh, Jat Sikh, yeoman grantee, Chenab Colony.

(8) Saiyid Mehdi Shah, Honorary Magistrate, rais, Chenab Colony.

A number of gentlemen addressed have sent no replies.

2. In my note, I have not commented on the above written opinions, but in giving my own opinion, I have retailed the opinions of those grantees with whom I have verbally discussed the matter.

G. F. deMONTMORENCY,

Deputy Commissioner, Lyallpur.

Endorsement by the Commissioner, Multan Division.

No. 1054—99-07, dated Multan, 28th November 1907.

Copy with enclosures in original, forwarded to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to Government, Punjab, for information, in continuation of this office letter no. 1045, dated 27th November 1907.

M. W. FENTON,

Offg. Commissioner,

Multan Division.

Note.

I. In talking over the matter with various persons, I have noticed a certain eagerness and interest displayed in discussing the details of the Legislative Councils, but the Advisory Councils have been damned with faint praise. Some of the more candid have confessed that in the Advisory Councils they see a good deal of trouble and expense to those fortunate enough to be called to those councils, but little power for themselves or benefit to others from their installation. If the meetings are frequent and the references are numerous, these critics consider that after the novelty has worn off membership will become rather a hollow burden and expense. If the meetings are infrequent and the references are few the honour of belonging to the councils will be an empty one. Unless there is a very decided change in the morale of the people, a sustained interest on the part of the members or of the public in their doings is unlikely. It has been explained to me that the best traditions of oriental polity while allowing for a numerous body of advisers who both gave advice and diffused the authority and ideas of the supreme body to local entities, also gave the advisers a *quid pro quo* for the inconveniences of their position, by allowing them personal favours, or opportunities of dispensing patronage or acquiring wealth. In modern Native States this amount to a

State carriage and pair at any rate. It short they say that the oriental man is a political animal in so far as politics means increased power or wealth. A contemplative council of elders without power of initiation and with doubtful power of commanding attention to their views, but saddled with certain unremunerative duties, seems to these critics a more fancied than real concession to progress.

A more numerous class do think that both the Imperial and the Provincial Advisory Councils would be a real gain to the people in understanding what Government means and *vice versá*, and that the duties connected with such a council would be cheerfully undertaken and esteemed to be an honour.

As to constitution, the proposals of the Government of India appeal to most people with whom I have consulted. Some object to the phrase "territorial magnates," as they say that many of the so-called territorial magnates in official favour are brainless dissipated inefficients, and they would waive the idea of position in favour of territorial income alone, *i.e.*, they prefer a rich zamindar unqualified to the latent idea of a rich and well connected zamindar. Three years is the term suggested for office in the Imperial Council.

II. With regard to the Provincial Advisory Council the consensus of opinion seems to be that collective deliberation alone should be allowed. The Commissioners are suggested as the proper persons to nominate representatives of various interests. Six per division are suggested as the most suitable allotment of members. This is an increase on the number suggested in the Punjab Government letter, but it is alleged that the number is not too numerous for collective deliberation and secures a wider representation of district and class feeling.

III. The real interest centres round the Imperial and Provincial Legislative assemblies.

(3) Almost all the persons whom I have consulted have been unanimous in declaring that the large export trade of the Punjab might receive the same recognition as that afforded to the Chambers of Commerce of Calcutta and Bombay. The Canal Colonies are vitally interested in every form of railway reform which would affect export trade, and for this reason people think that the Punjab traders should find a representative when legislation affecting commerce or Budget provisions are to come under discussion. This view has my sympathy.

Others have suggested that owing to its preponderance in the Punjab and the Native Army the Sikh interest should have a special representation similar to that accorded to Muhammadans. This is plausible.

The large increase of numbers in the Legislative Council is looked upon favourably. Personally I think it rather large for efficient and rapid disposal of business.

(4) The election of one member by the Provincial Legislative Council is approved.

(5) Persons do not seem to be able to imagine an electorate of any general composition. I consider an electorate should be formed of members of the district boards, who fulfilled a certain high landed property qualification and a list of a number of nominees selected by the head of the Provincial Government laid before them for selection of a member by election. Muhammadans in the Punjab should be electors in the elective body, and should not be excluded on account of their exclusive opportunities in the scheme.

(6) The proposal seems suitable. It is generally suggested that 2 Muhammadans should be nominated and 2 who should be members or ex-members of Provincial Councils themselves should be elected by Muhammadan members of Provincial Councils.

IV. (7) Persons whom I have consulted are all in favour of large increases. Probably some increase would be useful. I suggest 9 officials and 7 non-officials.

(8) Most people seem in favour of nomination. Some are in favour of election. If a real step is to be made in the direction of loosing the bonds of nomination, I should suggest election of selected nominees.

(9) The proportion of non-official members which suggests itself is:—

One member to be nominated by the Punjab Chamber of Commerce.

One member to be elected by Muhammadans alone owing to their numerical preponderance.

Five members without specification of class to be elected by district boards by divisions.

(10) I would suggest that the head of the Province select a number of nominees for the one reserved Muhammadan seat and the Commissioner select a number of nominees for the divisional seat; these names would then be put to the vote of those members of the district boards who fulfilled a certain landed qualifications standard. The landowners are the only very large class. For the purpose of giving the electorate a tinge of commercial and educational class feeling the municipalities of Lahore, Delhi, and

Rawalpindi might be allowed to count as district boards for this purpose, their electors being obliged to attain to a high income-tax standard. The Senate does not seem to have attained to the dignity and position which in England secures to some universities special representation in the councils of the nation.

(11) No change is needed.

(12) The Muhammadan electorate would be Muhammadans among the selected district board electorate who would vote on the list of Muhammadan nominees selected by the Lieutenant-Governor for the reserved Muhammadan seat.

V. (13), (14). Yes.

(15) No.

G. F. deMONTMORENCY,

Deputy Commissioner, Lyallpur.

Letter, dated 9th November 1907.

From—LALA SEWAK RAM, P. O. Gangapur, District Lyallpur.

To—G. F. de MONTMORENCY, Esq., I.C.S., Deputy Commissioner, Lyallpur.

With reference to your letter no. 1196-S., dated 1st November 1907, forwarding a copy of the Government of India letter no. 2310—2317, dated 24th August 1907, for my opinion, I beg to reply as follows:—

I shall reply the questions set forth in *seriatim*.

I. (1) I do not consider that an Imperial Advisory Council will be of any practical service to the country.

As sketched out in the Government of India letter, paragraphs 4 and 5, when such advisers know that they are to receive no legislative recognition, that they will not be vested with formal powers of any sort, and that they possess in themselves no formal powers of initiative, they are not likely to take much interest or be present in the meetings. In the constitution of the council the number of 20 ruling Chiefs is not at all necessary and is out of all proportions. If the Advisory Council is to be formed, it must at least be vested with some powers, the advisers may possess in themselves some powers of initiative, and may be given the right of interpellation.

II. (2) I think that a Provincial Advisory Council would be a useful institution. As regards its constitution, I beg to submit that each Deputy Commissioner of a district be asked to select one man as a member of this council and the total number of such men should form the *Provincial Advisory Council.*

III. (3) Yes, I do approve of an enlargement of the Imperial Legislative Council according to the scheme sketched out in the Government of India letter, paragraph 12.

(4) Yes, I do approve of the proposal.

(5) I approve of the selection of a land-owner of this Province to the Imperial Council, but I beg to submit that any land-owner, whether great or small, providing he takes practical interest in agriculture, be selected for the Imperial Council; mere land-revenue qualification need not be the criterion of nomination. As regards selection or election, I beg to say that for the present selection by the head of the local Government in consultation with Deputy Commissioners of the districts is better.

(6) I do not consider it advisable to reply to this question.

IV. (7) Yes, I would advocate an increase in the present number of members. Excluding His Honour the Lieutenant-Governor of the Province, I beg to suggest 15 should be the number of members; 5 out of them should be official members, 5 should be selected by the local Government, and 5 should be elected by the Provincial Advisory Council (as formed according to my suggestion in answer to question II (2) out of their own number).

(8) I have replied this question in the above answer.

(9) I do not advocate a fixed rule determining the proportion of seats to be allotted to each class, let there be a fair field and no favour.

(10) I have replied this question in answer of question IV (7).

(11) I do not advocate separate representation of classes as they always lead to mutual dissensions.

(12) Please see my reply to question III (6).

V. (13) Yes, the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23.

(14) Yes.

(15) I do certainly advocate the introduction into the Punjab Legislative Council of the power of interpellation by members as early as possible.

SEWAK RAM,
P. O. Gangapur, District Lyallpur.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated* 24*th August* 1907.

Answers to questions 1 to 9 and 11 to 15 are the same as given by Ishar Singh.

Answers to question *IV.*—(10) In each district the Deputy Commissioner in consultation with his district and municipal boards should nominate six efficient landowners whether or not from among his boards. In the Punjab either the body thus formed should by mutual consultation elect members for the Provincial Council or His Honour the Lieutenant-Governor may himself nominate any six persons out of that body. To fix the proportion of these six members shall rest with the Deputy Commissioner and his district board.

ANANT RAM,
The 11*th November* 1907. *Honorary Magistrate, Lyallpur.*

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated* 24*th August* 1907.

Answer to question I.—(1) The Imperial Advisory Council is very important and useful for the administration of the country, but the number of the members should be still increased. It is better to make the number of the ruling Chiefs less than that proposed in the letter. The middle class land-owners whose annual income amounts to 5 or 6 thousand rupees should be admitted in this council, because the wealthy and the big land-owners are naturally ignorant of the welfare of the public at large.

Answer to question II.—(2) The Provincial Advisory Council too will prove useful for the management of the kingdom, provided that able and experienced members can be secured. This council too should include middle class land-holders and other persons of differnt classes. As to the rest I agree with paragraph 6 of the letter.

Answer to question III.—(3) The Imperial Legislative Council also requires an increase in its members. As the trade of the Punjab is increasing, it is especially necessary that the Punjab traders should be looked after; moreover the traders of all the provinces deserve the same favours as bestowed on the Calcutta and Bombay merchants.

Answer to question III.—(4) Members should be appointed by nomination and not by election because the latter mode is not useful. The member in question should be elected from among the fixed number of the Provincial Council members and the power of electing this number should be given to the council itself.

Answer to question III.—(5) This member should also be appointed by nomination. The method of election should be overlooked because it is useless.

Answer to question III.—(6) Out of the 4 Muhammadan members 2 should be taken by nomination and 2 by election.

Answer to question IV.—(7) As the number of the members in the Imperial Council is increased, the number of the members of the Punjab Legislative Council should also be increased a little.

Answer to question IV.—(8) In my opinion the mehod of nomination is better: I am against the method of election.

Answer to question IV.—(9) All classes residing in India should be represented having regard to their population and social status.

Answer to question IV.—(10) I would prefer nomination rather to election.

Answer to question IV.—(11) In my opinion the mode of nomination is more appropriate. The mode of election is not approved. If the Government approve the latter mode it is necessary to amend the constitution of district and municipal boards.

Answer to question IV.—(12) I do not like election, nomination is better.

Answer to question V.—(13) Members should be allowed to discuss.

Answer to question V.—(14) The members in the Provincial Council should also be allowed to hold discussion on the Budget.

Answer to question V.—(15) The members should always have liberty to interpellate; so long as it is not done it is impossible to solve the difficult problems in the administration of the country.

MALIK CHIRAGH KHAN,
Pensioned Resaldar, Chak No. 336,
Jhang Branch.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated 24th August* 1907.

Answer to question I.—(1) The Imperial Advisory Council will prove useful for the country.

Paragraph 5, *head* (1) (2)—Agreed.

Head (3).—The number of the members is too few, it should be increased, *i.e.*, in every division the municipal committee and the district board should appoint one man by election, and the ruling Chiefs should be nominated by the Government itself; the result would be that the member may be an adviser for the division. In case of land-owner, he should belong to an ancient land-owning family, he must be educated and efficient, and in case of a ruling Chief he must also be educated and efficient.

Heads 4 *to* 7.—Agreed.

Answer to question II.—(2) The Provincial Advisory Council will also prove useful for each Province. In paragraph 6 the number of the members of this council is shown less than that of the Imperial council, it should be equal if not more.

Answer to question III.—(3) The Imperial Legislative Council must be enlarged. I agree with paragraph 12 of the letter.

Answer to question III.—(4) I agree with paragraph 13 of the letter.

Answer to question III.—(5) I agree with the second form of paragraph 15.

Answer to question III.—(6) I agree with paragraph 18 of the letter, provided the following be added to head C. of the paragraph:—"That Muhammadan shall be eligible who either pays annually an income-tax on an income of 25,000 rupees or owns lands amounting to 25,000 bighas or owns land to the value of 25,000 rupees."

Answer to question IV.—(7) The number of the members of the Punjab Legislative Council should be raised. Their number should not be less than 24 as follows:—

1. Officials nominated by the Government	12
2. Land-owners—	
Hindus	1
Muhammadans	3
Chirstians	1
Sikhs	1
3. Advocates—	
Hindus	1
Muhammadans	1
4. Traders	1
5. Artisans	1
6. Ruling Chiefs	2
TOTAL . . .	24

In each district the municipal committee and district board should elect six land-owners. Out of the body thus formed in the Punjab the Punjab local Government shall nominate any six of them.

The advocates should be elected by their class and the traders and artisans by their own classes respectively. The ruling Chiefs should be nominated by the Government itself.

Answer to question IV.—(8) Appointments should be made by election.

Answer to question IV.—(9), *paragraph* 22 (*a*). Each class need not be represented. The classes and the proportion of representation should be that as laid down in answer to question IV (7).

Answer to question IV.—(10) The election should be made by the municipal committee and the district board as set forth in paragraph 22, head B, which should be read in the light of head C of this paragraph.

Answer to question IV.—(11) *Vide* answer to question IV (7).

Answer to question IV.—(12) The Muhammadans should be separately represented, and they should be elected by the Muhammadan members of the municipal committee and the district board, but a Muhammadan shall not be eligible unless he pays an income-tax on an income of 25,000 rupees, or owns 25,000 bighas of land, or owns land to the value of 25,000 rupees, or he pays land revenue amounting to 5,000 rupees.

Answer to question V.—(13) I agree with paragraph 23 of the letter.

Answer to question V.—(14) Discussion should be held on every head of the Budget.

Answer to question V.—(15) The members of the Provincial Legislative Council in the Punjab should be authorised to put questions and hold discussions in the council.

KABIR KHAN, KHARRAL,
Honorary Magistrate, Jaranwala.

The 11*th November* 1907.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated* 24*th August* 1907.

Answers to questions 1 *to* 8 *and* 10 *to* 15—Are the same as those given by Ishar Singh, yeoman grantee, of Chak no. 132, Rakh Branch.

Answer to question IV.—(9) Each class need not be represented. The representation of the following classes will be enough:—

Name of class.	*No.*
1. Muhammadan land-owners	3
2. Muhammadan traders	1
3. Sikh land-owners	1
4. Hindu land-owners	1
5. Christian land-owners	1
6. Senate	1
7. Hindu traders	1
TOTAL	9

DILBAGH SINGH,
Zaildar.

The 11*th November* 1907.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated* 24*th August* 1907.

Answers to questions 1 *to* 8 *and* 10 *to* 15—Are the same as given by Ishar Singh, yeoman grantee, Chak no. 132, Rakh Branch.

Answer to question IV.—(9) In the Punjab each class need not be represented; the following classes may be represented in the following proportion:—

Name of class.	*No.*
1. Muhammadan land-owners	4
2. Christian land-owners	1
3. Hindu land-owners	1
4. Sikh land-owners	1
5. Senate	1
6. Muhammadan traders	1
7. Hindu traders	1
TOTAL	10

SHAHZAD KHAN,
Zaildar.

The 11*th November* 1907.

TRANSLATION.

Answers to questions re *Government of India letter no.* 2310—2317, *dated* 28*th August* 1907.

Answer to question I.—(1) The Imperial Advisory Council shall prove useful.

Paragraph 5—

Head (1) is very appropriate.

Head (2) is appropriate.

Head (3)—There must at least be 60 members, including ruling Chiefs, whose number should be proportionate to the population; and in making their election education and ability should be kept in view, because high efficiency is essential for the advisers in political matters.

In case of land-holders, in addition to their position and respectability, due regard must be paid to their education and the length of standing of their landed qualification.

Head (4).—Three years seems a sufficient duration for holding office, for election may again be made.

Heads (5), (6), (7) are appropriate.

Answer to question II.—(2) The Provincial Advisory Council will prove useful and there seems no need to amend it.

Answer to question III.—(3) The Imperial Legislative Council needs increase of its members.

Paragraph 12, *head* (1).—The number should be increased from 54 to 56, because under head (D) of this paragraph it seems necessary that 2 Sikh members should be elected for the Punjab, having regard to the position of this community.

The other heads seem appropriate.

Answer to question III.—(4) It is appropriate.

Answer to question III.—(5) It seems proper that one member may be elected for the Imperial Council from the Punjab and his election be made in the following way:—All the district boards should elect one member each from among themselves, and then the body thus elected should elect a big land-owner whether or not from among themselves for the Imperial Council.

Answer to question III.—(6) It is proper that the Imperial Council should have 4 Muhammadan members, of whom 2 shall be nominated and the remaining 2 shall be elected by the Muhammadan *members* of the district boards in the manner detailed in the last answer.

Answer to question IV.—(7) In the Punjab the number of the non-official members should at least be 10.

Answer to question IV.—(8) We wish that non-official members should be appointed by election.

Answer to question IV.—(9) In the Punjab Province it is unnecessary to represent each class, it is sufficient to represent the following classes in the following proportion:—

Name of class.	*No.*
1. Muhammadan land-owners	3
2. Christian land-owners	1
3. Hindu land-owners	1
4. Sikh land-owners	2
5. Senate	1
6. Muhammadan traders	1
7. Hindu traders	1
TOTAL	10

Answer to question IV.—(10) In each district the Deputy Commissioner, in consultation with his district and municipal boards, should nominate 6 efficient land-owners, whether or not from among his boards. In the Punjab either the body thus formed should by mutual consultation elect members for the Provincial Council, or His Honour the Lieutenant-Governor may himself nominate any 6 persons.

Answer to question V.—(11) All classes need not be represented.

Answer to question IV.—(12) In the Punjab the Muhammadans should be separately represented, and this should be by election as set forth in answer to question IV (10).

Answer to question V.—(13) Discussion of the Imperial Budget should be held in the manner laid down in paragraph 23 of the letter.

Answer to question V.—(14) Discussion of the Provincial Council Budget should also be held on the lines suggested in paragraph 23 of the letter.

Answer to question V.—(15) In the Punjab Legislative Council the members should be allowed to interpellate.

ISHAR SINGH,

Yeoman grantee, of Chak no. 132,
Rakh Branch, Tahsil Lyallpur.

Letter, dated 8th November 1907.

From—SAIYID MEHDI SHAH, Honorary Magistrate, Mehdiabad, Gojra,
To—G. F. DEMONTMORENCY, Esq., Deputy Commissioner, Lyallpur.

In compliance with your wishes, I beg to submit herewith my humble opinion on the points in question on which opinions are desired in connection with Government of India letter no. 2310—2317, dated the 24th August 1907.

I.—Imperial Advisory Council.

This council would be much beneficial to the country, as has been sketched out in paragraph 4 of the Government of India letter above.

The number of members 60 is too small. Ten ruling Chiefs are sufficient. These ruling Chiefs ought to be such who have proved themselves able rulers of their States, and have gained the good opinion of both the British Government and the subject. A large number of the territorial magnates would be of no use, as they generally do not know about the condition of the poorer classes. An ordinary zamindar, whose permanent annual income should not be less than Rs. 5,000, may be substituted instead of the territorial magnates.

I quite agree with sub-section 5 of paragraph 5 of the Government of India letter.

II.—Provincial Advisory Council.

This council is necessary, and will be a useful institution. Every member should be nominated by the Commissioners of each division after consulting the Deputy Commissioners of their respective districts.

III.—Imperial Legislative Council.

In my opinion the number of two members elected by the Chambers of Commerce of Calcutta and Bombay is not sufficient. One such member from the province of the Punjab should also be added as the trade of this Province is increasing daily with Europe *viâ* Karachi.

I agree with other sections.

(4) I quite agree with paragraph 13 of the Government letter.

(5) In my opinion one member should be nominated by the Governor-General from among the members of the Provincial Councils.

(6) Two Muhammadan members for the Imperial Council should be elected by the Muhammadan members of the Provincial Councils.

IV.—The Provincial Legislative Council in the Punjab.

(7) There ought to be an increase in the members of the Legislative Council of the Punjab, as a small number of members could not represent the public feeling, and there should be one from each district.

(8) At present the system of nomination is better than election, as this country is rather backward in education, and especially the Muhammadans.

(9) The members should be taken from among the following classes:—

(1) Hindus,

(2) Sikhs,

(3) Muhammadans,

(4) Indian Christians,

and they should be nominated and the number of members from each class should be fixed by Government according to the census.

If Government approves the election system, then I suggest that each class should elect its own member.

(10) I prefer nomination than election.

(11) If Government prefers the election system, then I suggest that every class should have the right of representing their own members for themselves, and it would also require the change in the present system of election of members for district boards and municipal committees.

(12) I suggest that Muhammadan members should be selected by nomination.

V.—Discussion of the Budget in the Legislative Council.

(13) I suggest that the right of discussing the Budget in the Imperial Council should be given to the members.

(14) Provincial Budget ought to be discussed in the Punjab Legislative Council.

(15) The members of the Punjab Legislative Council should also have the right of interpellation.

MEHDI SHAH,

Hony. Magist., Mehdiabad, Gojra.

Punjab Government letter no. 46, dated 19th October 1907.

Proposals for giving the people of India wider opportunities of expressing their views on administrative matters.

I. *Imperial Advisory Council.—Question* (1). I entertain no doubt that an Imperial Advisory Council would serve a very useful purpose as an instrument on the one hand for making the intentions of Government known to the people generally and removing the effects of misrepresentations by mischievous persons, and on the other for communicating to Government information with regard to the real trend of public opinion on its measures. I believe that if such a body had existed when the agitation of this year was going on, it would have done much good by counteracting the misrepresentations made in the press and at public meetings, and by removing the false impressions as to the intentions of Government that were being disseminated. The gap in the communication between Government and the people is a very wide one; and there is at present no means of bridging it by non-official agency. Only the most extreme views at present find expression, while the great mass of healthy public opinion remains silent. I think that an Imperial Advisory Council would justify its existence if it fulfilled no other functions than that of an intermediary between Government and the people, of an agency on which Government could on the one hand rely for having its intentions made clear and for being kept informed of the true state of public opinion, while on the other hand all that is sound in public opinion could look to the council to represent its views to Government.

This would at least be the initial idea of the functions of the council; but these functions appear capable of gradual development.

Advisory Councils, both Imperial and Provincial, consisting of nominated members, would be in accordance with native ideas of administration, far more so than Legislative Councils, partly composed of elected members whose sole object is often to criticise Government and to vote against it. We are too fond of transplanting bodily into our Indian administration systems which have sprung up and matured in the West, and of neglecting the essential difference of conditions.

II. *Provincial Advisory Councils. Question* (2) .—It seems scarcely necessary under this head to add to what has been said under the preceding one. The same necessity exists for a Provincial as for the Imperial Government to have some means, other than the ordinary official channels, of communicating its intentions and purposes to the people, and of ascertaining the real trend of public opinion on important questions.

A council of 20 chosen in the manner explained in paragraph 4 of the Punjab Government letter appears to be suitable. The body would not be unwieldy in dimensions, and it should be possible, with this number, to make selections so that all the various important interests existing in the province should be represented. It appears unnecessary to emphasize the fact that nomination as opposed to election is the only means in the present condition of society by which real representation can be secured.

III. *Imperial Legislative Council. Question* (3).—I think that the proposed number of the Imperial Legislative Council is too large and that the result would be an unwieldy body, that is of course if the power of nomination proposed were exercised to the full, which is perhaps improbable. It seems to me that the non-official members of a Provincial Legislative Council will never form a satisfactory electorate; and I would not add the four provinces proposed by D (*b*) in paragraph 12 of Government of India letter. The number under B might then be reduced to 16.

Question (4).—I have above expressed the opinion that election by the non-official members of the Provincial Council is not a satisfactory arrangement. At all events it is not for the Punjab.

Question (5).—The Government of India scheme (paragraph 12 of their letter) shows election by (*i*) nobles and (*ii*) great land-owners. In the question stated by the Punjab Government (*i*) are omitted, and the figures given in paragraph 5 are of *land-owners paying land revenue*. The Punjab is not a country of great *land-owners*, but it is a country of *jagirdars*, and if there is anything in the nature of a *nobility* in the Punjab, it is to be found in this class who are usually the representatives of former semi-independent Chiefs. This aspect of the question would appear to have been overlooked. It is possible that an electorate might be constituted, composed of assignees of land revenue and of land-owners receiving or paying, respectively, Rs. 5,000 and upwards per annum. But the number of *jagirdars* would be considerable, and the voters would be scattered all over the province, so that there could be no cohesion. I doubt, therefore, if any satisfactory system of election by such a constituency would be possible, and I think that nomination (third method in paragraph 13 of Government of India letter) is for the present at least the only way in which representation could be properly secured. Election might come later on. A list might be maintained of persons eligible, and these would ultimately be the electors.

Question (6).—I have not seen the statistics referred to in the closing section of paragraph 5 of the Punjab Government letter, but here too I think that, in the Punjab at least, we should be content for the present with nomination.

IV. *Provincial Legislative Council of the Punjab. Question* (7).—I think that experience has shown the necessity of increasing somewhat the present number of members of the Provincial Legislative Council. There has at times been trouble about securing a quorum, while there is not much choice for select committees. But the difficulty of maintaining the proper proportion of official members limits the possible total. Still I think the addition of two non-official members is advisable for the purpose of making the council more representative of the various interests in the province.

Question (8).—I think it would be premature to introduce any system of election at present. In this matter we must await the results of experience in older provinces and be content to follow their lead.

Questions (9)*to* (12).—A detailed answer to each of these questions does not in the above view appear to be necessary. I should be strongly opposed to giving the Punjab University an elected representative for the reason stated in the Punjab Government letter, *i.e.*, that it would be a mistake to introduce a directly political element into that body.

V. *Discussion of budget and interpellation. Question* (13).—I have no opinion to offer under this head.

Question (14).—I do not think that the Punjab is sufficiently advanced, or that there is sufficient stability in the financial arrangements of this province to have Budget

debates. This would no doubt, like other developments, come later. I see no fundamental objections to a system under which the Budget is laid before a Provincial Council and discussed, especially if there is some degree of decentralization in finance, but I do not think that in Punjab we are ready for such a system yet.

Question (15).—The power of interpellation would, if properly exercised, serve a useful purpose. But I scarcely think it can be said that in the Indian councils or indeed in the Imperial Parliament it can be said that there has not been a considerable amount of abuse of the privilege. Still I think I should be prepared to accept it with its attendant disadvantages.

13th December 1907. T. GORDON WALKER.

No. 183, dated 16th December 1907.

From—MR. ABDUL AZIZ, Barrister-at-Law, Secretary, Anjuman-i-Islamia, Hoshiarpur,

To—The Commissioner, Jullundur Division.

In reply to your circular no. 172—3541, dated the 22nd October 1907, I have the honour to submit answers to the questions attached to the letter of the Government of India and the Punjab Government.

The matter has been fully discussed in a special meeting of the Anjuman held for the purpose.

It is a matter of regret that delay has been occasioned by unavoidable circumstances.

ABDUL AZIZ, *Barrister-at-Law,*
Secretary, Anjuman-i-Islamia, Hoshiarpur.

Endorsement by the Commissioner, Jullundur Division.

No. 4158, dated Jullundur, 17th December 1907.

The above copy, with enclosures in original, forwarded to the Hon'ble Mr. E. D. Maclagan, Chief Secretary to Government, Punjab, in continuation of this office nos. 3971 and 3993, dated, respectively, the 2nd and 3rd instant.

H. S. P. DAVIES, *Lieut.-Col.,*
Commissioner, Jullundur Division.

Answers to the questions on which opinions are desired in connection with Government of India letter no. 2310—2317, *dated 24th August* 1907.

(1) In the opinion of this Anjuman the proposed Imperial Advisory Council, if constituted on the lines sketched out in paragraph 4 of the Government of India letter, would be useful and serviceable to the country.

As regards its constitution and duties, the Anjuman begs to suggest the following alterations:—

The number of ruling Chiefs may be reduced to 10. As the matter concerns British India generally these Chiefs are not fully in touch with our requirements, and the allotment of one-third of the seats to them seems to be out of proportion; besides, we are afraid these Chiefs on account of their own State affairs shall not be able to spare time.

As to the land-holders, only those who pay an annual revenue of Rs. 20,000 and above, should be held eligible for the nomination.

It is further respectfully suggested that the principle of representation by community formulated in connection with the Legislative Council should, here also, be kept in view, and not less than 8 seats may be reserved for the Muslims.

With reference to the tenure of membership, it should be limited to 3 years for the present; this short period would be expedient as the system is a new introduction.

The proceedings of the council, moreover, should not be kept confidential, as a frank interchange of opinion between the Government and the public will be rendered rather impossible thereby.

II. (2) Yes, a Provincial Advisory Council would certainly be necessary, in order to increase the utility of the Imperial Advisory Council. As to its constitution, duties, and number of members, this Anjuman begs to suggest the following:—

The number suggested by the Punjab Government in its letter, paragraph 4, is sufficient; as regards the qualifications of the members—

(*a*) Those land-holders who pay a revenue of Rs. 5,000 and upwards should be eligible for nomination.

Like the Imperial Advisory Council a certain number of seats should be reserved for Muslims in this council, which should be in proportion to their population and political importance.

We, however, agree with the Punjab Government, and think that there is no necessity of hampering the choice of the Government by fixing any number of seats for any particular profession.

III. (3) We beg to state that the enlargement of the Legislative Council would answer a long-felt want. We offer our profound gratitude to the Government for recognizing the importance of the Muslim element in the Indian politics by allotting them exclusively a certain number of seats. In this connection the following modifications are submitted:—

The maximum strength of the council might be raised from 54 to 58 including His Excellency the Viceroy. Out of the two seats thus obtained 2 more may be added under the head D (*d*) open to Muslims by election, as only 2 seats referred to in D (*d*) are hardly sufficient.

The remaining 2 seats might be added to the number of officials nominated by His Excellency the Viceroy under the head B in order to keep in tact the Government majority. The only other suggestion under paragraph 12 of the Government of India letter is that the electorate of nobles and great land-owners under the head D (*c*) should be confined to those only who pay an annual land revenue of not less than Rs. 5,000.

(4) We agree. The non-official element in the Provincial Legislative Councils as enlarged may safely be allowed to elect this one member.

(5) We beg to suggest that one of the great land-owners of this Province may be chosen by election, the electorates to consist of all land-owners paying an annual land revenue of Rs. 5,000 or above.

(6) We have already suggested that 6—4 by election and 2 by nomination—instead of 4 seats, should go to the Muslims. The composition of the electorate may be as outlined in paragraph 18 of Government of India letter, except that under sub-head (*c*) the amount of annual land revenue entitling a person to vote may be fixed at Rs. 5,000 or above and that of the annual income at Rs. 10,000 or above liable to income-tax.

The proposal to confine the electorate to the Muslim non-official members of the Provincial Council is not desirable, because of the numbers of the electors being too small.

IV. (7) The number of councillors for the Provincial Legislative Council may, with advantage, be raised to 27, including His Honour the Lieutenant-Governor; out of this number 12 at least may be given to non-officials.

(8) Although the present system of nomination is working well, yet it is solicited that the principle of election should be recognized to a certain extent: 6 of the 12 non-official seats should be thrown open to election.

(9) It is difficult to suggest any precise rule for determining the proportion of seats and the particular classes to which they should be assigned, still we might present the following proposal in connection with this:—

The 12 unofficial seats may be distributed as follows:—

Muslims	6
Hindus	3
Sikhs	2
Christians	1
TOTAL	12

Out of the six Muslims 3 may be nominated and 3 elected.

(10) As to the election of members it will be desirable to adopt the following scheme:—

Qualifications for candidates to membership—

(*a*) All persons paying an annual land revenue of Rs. 2,000 or above.

(*b*) All payers of income-tax on an annual income of Rs. 5,000 or above.

(*c*) All registered graduates of the University of at least 7 years' standing.

Qualifications of voters—

(*a*) Land-owners paying an annual revenue of Rs. 1,000 or more.

(*b*) Tax-payers on an income of Rs. 2,000 or above.

(*c*) Graduates of the University of at least 5 years' standing.

(11) The reply to the first part of the question is in the affirmative. In connection with the preparation of the list of voters, the Government may consult all well recognised Anjumans, etc.

As regards the second part we beg to represent that most of the evils in the present working of the municipal and district boards would disappear if the just principle of representation by community be also extended to these bodies as outlined in the Government of India letter, paragraph 22 (*c*).

(12) The method adopted should be election and the form suggested in paragraph 17 of the Government of India letter.

V. (13) Yes.

(14) Yes. The answer applies to both the parts of the question.

(15) Yes.

ABDUL AZIZ,

Secretary, the Anjuman-i-Islamia,

Hoshiarpur.

The 16*th December* 1907.

Dated 1st December 1907.

From—MAJOR F. POPHAM YOUNG, C.I.E., Settlement Commissioner, Patiala,

To—The Chief Secretary to the Government of the Punjab.

I have the honour to reply to your letter no. 46, dated 19th October 1907, in which my opinion is asked on the proposals put forward in the Government of India letter no. 2310—2317, dated 24th August 1907, to your address.

2. On the general question of the association of the people of India with the administration my views are as follows:—

(*a*) It is clearly essential that we should make an advance in this direction. In doing so it will be a great mistake if we do not enlist on our side the *brains* of the country. We should endeavour to direct into the right channel the political activities of those who will certainly mould public opinion in the future. We must not enter into an offensive and defensive alliance solely with the conservative elements in Indian society. For we cannot be true to such an alliance. The British democracy is seated on the throne of Akbar. We must sink our foundations in full recognition of this fact, and of all that it means. The ruling Chiefs of India and the territorial magnates stand for prejudice, privilege, and reaction. This is of course a generalisation and as such contains, as all generalisations must do, an element of untruth. But it points, I think, the right moral. As the ferment of education spreads the process of disintegration will inevitably be accelerated. It will be wise and it will be right for us to delay that process, and to curb the impatience of the idealists. But not so, to fight it. I think that the educated Indian community regard the proposals put forward by the Government of India with suspicion. They think that we are making a bid for the support of the privileged classes on the one hand, and for that of the ignorant masses on the other. Is it inevitable that the educated middle class should be ranged against us? I do not think that it is. But if the proposals of the Government of India are accepted in their entirety, I do not think we shall have done anything to win them over to our side. Their political activities may be temporarily scotched. They certainly will not be killed.

(*b*) I think that the proposals to enlarge the Imperial and Provincial Legislative Councils, and to establish Imperial and Provincial Advisory Councils on the lines sketched by the Government of India, begin at the wrong end. I would prefer to see an attempt made to associate the leading men of the district with the Deputy Commissioner. From that by a natural process of development will spring the association of the leading men of the Province with the Lieutenant-Governor. The spread of departmentalism, the root of which no doubt lies in a laudable desire for increased efficiency, has already undermined and weakened the position of the district officer. To my mind all our efforts should be directed towards repairing the mischief which has been done. A great opportunity lies before us in connection with the scheme now under consideration. I would build from the district upwards, and somewhat on the following lines.

3. I would establish in every district a council whose functions it would be to advise the Deputy Commissioner, to report on proposals (legislative or otherwise) affecting the administration, and generally to afford a channel of communication with the dawning intelligence of the country. I cannot attempt to elaborate this scheme in all its details. It will be readily understood how it would be carried out. Local municipalities and district boards would be represented. The delegates from these bodies might be elected. The Deputy Commissioner would nominate a number of councillors at least equal to the number of those elected. From the District Councils delegates would be chosen, partly by ballot, partly by nomination, to serve on Divisional Councils. These Councils would bear to the Commissioner of the division the same relation as the District Councils would bear to the Deputy Commissioner. From amongst divisional would be chosen the Provincial councillors, and from amongst the Provincial the Imperial councillors. The latter certainly, and the former probably, would be supplemented by members nominated by the Viceroy, or by the Lieutenant-Governor, and possibly there might be added to both bodies a few persons chosen by a limited and carefully selected electorate.

4. I am anxious to avoid entering into a lengthy disquisition on the scheme, the outlines of which I have thus briefly sketched. But I may perhaps usefully indicate the manner in which it might be worked. Say that the Government contemplate a Colonies Bill, or a Land Alienation Act, and that they want to invite the people to co-operate with them on certain lines for the improvement of village sanitation, or for the suppression of plague. The proposals and the ideas of Government, so far as these had been formulated, would be communicated to Deputy Commissioners through Commissioners. Before deciding the nature and extent of the reference to be made, the Imperial or the local Governments might consult their Advisory Councils. Detailed discussion of the measures proposed would then centre in the districts. All agitation (if agitation there must be) would at the outset be locally focused, and dissentient opinions would find a legitimate channel of expression. Professional opinion would, we will say, condemn a Land Alienation Act. Zamindari opinion would support it. Enlightened opinion would recommend radical measure for improving sanitation. The representatives of those who have more intimate acquaintance with "the harrow's tooth point" might beseech Government to "let ill alone." Eventually the District Councils would be ready with their opinions. These would again be considered, or, perhaps, debated in the Divisional Councils under the Presidentship of Commissioners. Here the conflicting views of Amritsar and Sialkot, of Ferozepore and Hoshiarpur, would be made apparent, perhaps reconciled, perhaps accentuated. Modified proposals might be submitted for further consideration to the District Councils. Finally, a similar process would enable the Lieutenant-Governor to accurately diagnose the feeling of the Province in relation to the measure under consideration.

I trust that I have said enough to make intelligible the general lines of the scheme which I would recommend for the consideration of Government. To attempt to clothe my skeleton with further detail would probably be to condemn it to prompt interment beneath the piles of manuscript which are no doubt accumulating as I write.

But I would most earnestly invite Government to consider whether they will not do wisely to build on the foundations, which have been dug for us by those who have created modern India in one short century. To me it seems that the airy structure contemplated by the Government of India will inevitably one day collapse and bury in its ruins not only the district officer but all that the district officer has achieved. I can imagine nothing more subversive of the relations which should subsist between the Deputy Commissioner and the people of his district, than a scheme which will eventually lead to the glorification of an irresponsible "member" with a lively imagination and a loose tongue at the expense of all the authority and all the prestige of the "Hakim Waqt." The Government of India may summon to their councils a Khan Sahib or a Lala Ji, in whom they may find a most obsequious adviser, with a marvellous aptitude for discerning the direction in which the breeze is setting. Or they may have thrust upon them a man, whose independent aptitude on subjects which he well knows to be safely outside the realm of practical politics, will make him the idol of a sensation-loving press. But they are not in a position to realise how the difficulties of local

administration may be added to, when the honourable member returns home perhaps to patronise the Deputy Commissioner, telling him that he has mentioned to those seated in high places how well the district is being run; perhaps to thwart him by engineering popular contempt of his authority. The Government of India can hardly appreciate the bewilderment of the prosperous yeoman, well affected to the British Raj, who has always leaned on the strength of the "Bara Sahib," when he finds that the head of the district knows nothing of certain proposals, emanating from the seat of Government, of which all the bazar is talking. They will not witness the scene at the railway station when bands are braying and flags are flying, in honour of a gentleman to whom the Deputy Commissioner driving past in his modest equipage affords opportunity for the exercise of a nimble wit. I trust that it will not appear that I am introducing trivialities into the discussion of a subject of the gravest moment. But I do not think that any one who knows the East, and who understands something of the oriental outlook in regard to the dignity which should attach to the representatives of the "Sarkar," as well as to their actions, will regard the picture above presented as overdrawn, or minimise the importance of the consequences which may ensue from a careless disregard of sentiment. I fully realise that the suppression of brains, in whatever stratum of society they may develop, is neither practical nor desirable. Let us, however, train the man of advanced ideas (the idealist if he is entitled to arrogate that name to himself), by giving him opportunities for exercising a legitimate influence on the conduct of affairs at the outset, by associating him with others whose ideas differ from his, and by making him a responsible person, instead of allowing him to develop in irresponsibility until he is in a position to thwart our best efforts, owing to his having captured the imaginations of ignorant people by posing as the champion of all that is high sounding and hopelessly impracticable.

6. Since the effect of the proposals which I am venturing to put forward would be to shift the whole basis of the edifice which it is sought to raise, it is necessary for me to add a few more words of explanation before proceeding to answer the questions put categorically in your letter under reply.

I consider that the establishment of Advisory Councils is a most wise and necessary measure. But I would make these councils living things. We cannot establish a Parliament of the Indian people. But some of the main functions of a Parliament, the ascertainment of the views and wishes of the people, the dissemination of information, and the training in political responsibility of those who speak for the masses, can, as it seems to me, be very well discharged by such councils as I would propose to establish.

At present the flood of what passes for popular opinion in India is left to gather as it may. At times there seems to be no flood at all, nor even the possibility of any accumulation which could not be stemmed by the simplest embankment, hastily thrown up by the Executive or by the Legislature. At other times the tide goes roaring and there seems danger of encroachment in the highest sanctuaries. Instead of trying to deal with the flood when it is at its highest, should we not endeavour to control and regulate the runnels?

To this end I would invite those who by virtue of superior intelligence, or by virtue of hereditary associations, are entitled to be considered the real leaders of the general community to discuss with their Deputy Commissioners freely, and, as of right, all measures of the Government which directly or indirectly affect their interests.

The District Advisory Councils would for obvious reasons not be speciallly asked to air their views on the larger questions of Imperial policy. But even if they did offer to discuss such matters, no harm would be done. I would not therefore limit the intiative of District Councils in any way. Their main object would be to record their opinions in relation to any questions affecting local interests, and to afford to the district officer an opportunity of explaining the views and intentions of Government.

In addition to District Councils, I would establish Divisional, Provincial, and Imperial Advisory Councils. The real work of suggestion and criticism would be done by these councils. It would remain for the Legislative Councils to give effect to the deliberately framed policy of the responsible Government of the country. It seems to me that up to a certain point we cannot too openly and too freely take the people into our confidence: and that when we have made up our minds what line to take, we cannot too firmly and too decisively proceed to give effect to our conclusions. I do not suggest that absolutely no weight should attach to differences of opinion expressed in the Legislative Councils. But the stage of doubt and of deliberation should have passed before these bodies are asked to deal with the measures of Government. And it should only be necessary to accord due deference to expert opinion, directed to modifying those measures without altering their essential meaning. The demagogue, the professional orator, the "poseur" generally, is entirely out of place in a Legislative Council.

Such gentlemen will no doubt find their way into the Advisory Councils. But I would not invent a machinery for introducing them into the Legislative Councils, and then for nullifying their efforts by the force of official votes.

7. I cannot attempt to frame in the time at my disposal a complete scheme for the constitution, and for the working of Advisory Councils on the lines suggested. A rough outline of what is intended may be attempted—

(1) *District Councils.*

(*a*) Elected members	10	Possibly it would be better to have only 10 members in the District Councils, and to reduce the numbers of the Superior Advisory Councils also.
(*b*) Nominated by the district officer . .	10	
	20	

(2) *Divisional Councils.*

(*a*) Elected by each District Council 3, say	15 in all.
(*b*) Nominated by the Commissioner from each District Council 1, say	5 in all.
(*c*) Nominated by the Commissioner from leading men (native or European) not members of the District Council	3
(*d*) Elected by certain special constituencies, such as Universities, local Chambers of Commerce, planting or trading communities, etc.	2
	25

(3) *Provincial Councils.*

(*a*) Elected by each Divisional Council 3, say	15 in all.
(*b*) Nominated by the Lieutenant-Governor from the members of each Divisional Council 1, say	5 in all.
(*c*) Nominated by the Lieutenant-Governor from leading men (native or European) not members of the Divisional or District Councils	5
(*d*) Elected by certain special constituencies, such as Universities, local Chambers of Commerce, planting or trading communities, &c.	5
	30

(4) *Imperial Councils.*

(*a*) Elected by each Provincial Council 3, or	21 in all.
(*b*) Nominated by the Viceroy from the members of each Provincial Council 1, or	7 in all.
(*c*) Elected by each Advisory Council of the three Chief Commissionerships 2, or	6 in all.
(*d*) Nominated by the Viceroy from amongst the members of the Advisory Council of each Chief Commissionership 1, or .	3 in all.
(*e*) Nominated by the Viceroy from amongst ruling Chiefs, nobles, and great land-owners, or the representatives of great industries	10
(*f*) Elected by the Chambers of Commerce of Calcutta and Bombay	2
(*g*) Elected by any other special constituencies	6
	55

I consider that if these councils are constituted somewhat in this way it will be easy to arrange that each and every class is adequately represented, without making any invidious distinctions, or unduly limiting the discretion of Government.

8. My answers to your questions are as follows:—

I. (1) I do not think that an Imperial Advisory Council on the lines sketched in paragraph 4 of the Government of India letter would be of any real service to the country. I think that an Imperial Advisory Council constituted in some such manner as has been suggested above, and given full opportunity to meet and discuss any measures proposed by Government, and to initiate proposals themselves, would be most useful.

II. (2) I think that a Provincial Advisory Council would be a most useful institution. I would suggest the modification previously stated in its constitution and duties.

III. (3) I do not think that much practical benefit to the country is likely to result from the enlargement of the Imperial Legislative Council. I think that a small addition to the number of that body would be politic. I would suggest that its constitution might be as follows:—

(A) *Ex-officio—*	
As suggested by the Government of India	8
(B) Additional officials to be nominated not exceeding	10
(C) A ruling Chief to be nominated by the Viceroy	1
(D) *Elected members—*	
(*a*) By the Chambers of Commerce of Calcutta and Bombay in rotation	1
(*b*) By the seven Provincial Advisory Councils	7
(*c*) By the Advisory Councils of the three Chief Commissionerships in rotation	2
(*e*) Non-officials nominated by the Viceroy to represent Universities or special interests	2
(*f*) Expect to be nominated by the Viceroy, when necessary, for special purposes	1
TOTAL	32
or including His Excellency the Viceroy	33

It will be seen that I propose to make the Advisory Councils the principal electorate. If these bodies be constituted as I suggest, I think they would fairly represent both the brains and the vested interests of India.

III. (4) I do not think that it is necessary to give to the Punjab Provincial Legislative Council, or indeed to any Legislative Council, a vote for a seat on the Imperial Legislative Council. I would transfer the voting power to the Advisory Council.

III. (5) I do not approve of the constitution of class electorates. By the scheme I advocate I consider that the great land-owners of the province will be given ample opportunity of swaying the counsels of Government in the Advisory Council. They will secure adequate representation on the District, Divisional, and Provincial Councils. And those amongst them who are members of the latter body will be able to vote for the Provincial representative on the Imperial Legislative Council.

III. (6) I would make no special mention of Muhammadans, or of any other castes or creeds, in defining either electorates or possible nominees. The machinery I propose would, I think, bring all classes into direct touch with the administration. Adequate representation of minorities or of politically backward communities could be secured without making invidious distinctions or advertising the necessity for State interference. My answers to the various questions enumerated under IV of the affix to your letter are necessarily coloured by all that I have written above.

(7) and (8) The enlargement of Provincial Legislative Councils is, I think, a matter of little practical importance. I would transfer to Advisory Councils certain of the present functions of Legislative Councils, which, having regard to the essential functions of those bodies, appear to me to be on the nature of excrescences. In order to appease sentiment, and to give to the more active and enlightened members of the native community an opportunity of fulfilling natural ambitions and for educating themselves in all branches of State-craft, I would increase the numbers of the Provincial Legislative Council from 9 to 12. Of these three should be elected by the Provincial Advisory Council, and three nominated from amongst non-officials by the Lieutenant-Governor. It would then be necessary for the Lieutenant-Governor to nominate six officials to his council. This could easily be done without dislocating the ordinary work of administration.

(9) I would not allot seats in the Provincial Council by classes. I would rather endeavour to make the electorate representative of all classes in the manner suggested above.

(10) I have already answered this question. By the method suggested district and municipal boards would in part elect the electors of members of the Provincial Council.

(11) I do not advocate the separate representation of classes. Nor do I think that, in connection with the reference under consideration, it is necessary to alter the present system of election for district and municipal boards. The composition of the proposed District Advisory Councils is the important matter. And I think that the representation of all interests on those bodies can best be secured by giving extensive powers of nomination to Deputy Commissioners.

(12) This question appears to require no further answer.

IV. (13) I would not give further opportunities to the members of either the Imperial or the Provincial Legislative Councils to discuss the Budget. I would give such opportunities to the Imperial and Provincial Advisory Councils instead. Members of the Legislative Councils would frequently be members of the Advisory Councils also. In any case they would, when the Budgets were discussed by the Advisory Councils, have an opportunity of considering them, and also of weighing such criticisms as might be offered in those councils. Probably it would be politic to allow to Legislative Councillors the same opportunities for expressing their opinions, as they have at present. The "ampler and more practical discussion" contemplated by the Government of India should, I think, take place in the Advisory Councils.

(14) I think that the Provincial Budget should be thoroughly discussed in the Provincial Advisory Council. The discussion in the Legislative Council can hardly be effective. An opportunity may, however, be given to Legislative Councillors to place on record views, which they will have an opportunity for forming with some deliberation. I think that the suggestion that the Budget should be discussed by separate heads is a good one.

(15) I think that the power of interpellation by members should be introduced into the Punjab Legislative Council. I fully recognise that this power has not in the past been exercised with uniform wisdom or discretion in other councils. And I have no doubt that in the Punjab questions will on occasions be asked, prompted solely by animus and not by any desire for information. But the questions will merely reflect the constitution of the council. And I think that it is best that they should find open expression.

9. I have only been able to present in outline the scheme which I would recommend for the consideration of the Government. Much remains to be said regarding the lines on which Advisory Councils should proceed, the opportunities which should be given to them for meeting, and many other matters which will suggest themselves to any one who may regard my proposals as worthy of serious consideration. They are based on the belief that it is of capital importance to maintain unimpaired the position of the district officer in India. They proceed on the assumption that a political education is even more of a necessity to the people of India than an appearance of political independence. I cannot help feeling that the only way in which we can really associate the people with ourselves in the business of administration is by inducing the natural leaders amongst the masses both to formulate opinions and to express them. At present they are hardly in a position to form any opinions at all, until they are asked to adopt those presented to them, with every artifice calculated to excite prejudice, by a class of irresponsible agitators. Moreover, I think that the class from which these very agitators spring can, and will, afford valuable assistance to the administration, if only the opportunity is given to them of exercising the influence which is theirs by right of superior education through legitimate channel and under the sobering influence of recognised responsibility.

I think that one of the main reasons for the unsatisfactory results which have followed our endeavours to allow to the people of this country opportunities for criticising Government measures is that we have sought to nurture in India a wholly foreign plant, instead of attempting to graft on an Eastern stock. It is absolutely foreign to Eastern ideas that the subject should stand up and vote against the expressed will of the ruler. But it is quite in accordance with practice that the subject should in open darbar urge his views upon his Chief, and endeavour to persuade him to reconsider his opinions. It will be perfectly consonant with the real Indian sentiment, if Deputy Commissioners, Commissioners, and Lieutenant-Governors hold darbars in which the counsels of those summoned to tender advice are presented with perfect freedom. The councils, which I suggest, will be such darbars. There will be no voting against the Government. Voting there will be, and the council may frequently not approve of the tentative proposals of Government. But in the result the collective opinion of the councils, or darbars, will be presented to the Government in the form of "advice." It will rest with the rulers of the country to decide whether the advice tendered should be followed or not. We shall in effect give to the people of this country full opportunities for placing on record their ideas and their wishes. And the machinery by which such ideas will be registered will create the least possible amount of friction. To invite the people of India to select by popular vote men, whose mandate will be to oppose the policy of the Government of India, when this has been deliberately framed, and unalterably fixed, is to invite them to acts which they, in their own minds, regard as acts of rebellion, pure and simple. And seeing that we have to make provision that the opposition shall be in the end impotent, the only results are the generation of heat, and the loss of dignity.

Answers to questions by M. Muhammad Hasan, Government Pensioner and Rais, regarding the proposed Imperial Advisory Council.

I. (1) The establishment of an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter is sure to prove of great service to this country.

As to paragraph 5 of the Government of India letter, I beg to suggest the following alterations:—

The number of ruling Chiefs proposed for the membership of the council is very large. It may be decreased; care should, however, be taken in the appointment of Musalman Chiefs who, although numerically few, enjoy a political and historical importance of their own.

The members should hold office for 3 instead of 5 years, as proposed in paragraph 5 (4) of the letter, in order that others may soon get a chance of being selected for the office. Besides, 3 years is the usual term of office for an office bearer in a meeting or a committee.

II. (2) The Provincial Council will serve the same purpose for a province as the Imperial one for whole India. I do not consider any modification necessary in the proposal made in paragraph 6 of Government of India letter.

III. (3) I am in favour of an enlargement of the Imperial Legislative Council, and beg to suggest the following modifications in the scheme sketched out in paragraph 12 of the Government of India letter:—

(*a*) The proposed strength of the Council may be increased by two members, who should be men well versed in Dharm Shastra and Muhammadan Law, respectively, as men well grounded in Hindu and Muhammadan Law are sure to prove of great help and advantage in the deliberations of the Legislative Council.

(*b*) In view of the fact referred to in paragraph 16 of the Government of India letter that the Muhammadan community has not so far received a measure of representation commensurate with its numbers and political and historical importance, I beg to suggest that the number of Muhammadan members referred to in paragraph 12, clause 2 (D), of the Government of India letter may be raised from 2 to 4. The proposed increase can be effected by decreasing the number of elected members mentioned in paragraph 12, clause 2 (D) (*a*) and (*b*), from 2 to 1, or in some other way.

(4) I entirely concur in the suggestions made in paragraph 13 of the Government's letter.

(5) I approve of the selection of one land-owner of the province to the Imperial Council, with this reservation that in provinces where land-owners are very backward from the point of education, they should be nominated by Government, while in case of provinces where education has sufficiently advanced the following methods of election can be resorted to with advantage by the following bodies:—

*(*a*) The Musalman members of Provincial Councils.

†(*b*) The Muhammadan Provincial or Viceregal darbaris.

(*c*) The Muhammadan title-holders of the province.

(*d*) The Muhammadan Fellows of the local University.

(*e*) The Muhammadan graduates of the University.

(*f*) The Muhammadan land-owners paying a certain sum of revenue to Government, the sum being fixed with regard to the capabilities of each province separately.

(*g*) The Muhammadan residents paying a certain amount of income-tax.

(6) As remarked in answer to question 3 (3), I recommend the appointment of 6 instead of 4 Muhammadan members to the Imperial Council. The election may be made by the following bodies:—

IV. (7) As an increase in the number of members of the Imperial Council has been considered advisable, I would beg to suggest that an increase should be made in the number of members of Provincial Councils also. I would add that at least one member should be taken from each district on the council.

(8) I am in favour of the present system of nomination for the Punjab on the following grounds:—

(*a*) The Punjab was annexed at a later period compared with other parts of British India.

(*b*) English education was introduced here subsequently.

(*c*) The Provincial Legislative Council was established here only recently.

(*d*) In spite of the preponderance of Musalman population the Hindus hold nearly all important posts under Government, and a large number of them is serving on municipal and district boards. In case of election the Hindus will secure a larger number of seats than is commensurate with their numerical strength in the province.

*(*a*) The zamindar members of the Provincial Council.

†(*b*) The zamindars who are eligible for an appointment as a member of the Council.

(*e*) In spite of the fact that perfect liberty is allowed to all sections of His Majesty's subjects in the matter of their religion, instances are to be found where Musalmans living in villages, where the Hindu or Sikh element preponderates, are forbidden to say their prayers, &c., in an open manner. It can, therefore, be well imagined how Musalmans so situated can dare to oppose their Hindu fellow-subjects in other matters.

(*f*) As the Punjab has been lately ruled by the Sikhs, they enjoy considerable influence in villages, and the Musalman population thereof dare not place themselves in conflict with the former.

(*g*) The Musalmans being as a rule indebted to Hndu Mahajans, &c., they are generally afraid to give an opinion adverse to their Hindu creditors.

(*h*) With regard to their numerical strength the following proportion is calculated to safeguard the interests of the different sections of native communities residing in the Punjab.

Muhammadan members	15
Hindu members	12
Christian members	1

and as the Sikhs exercise considerable importance in the Province, seeing that they were lately in exercise of supreme power and even now supply best material for the army, one-third of the Hindu members may consist of the Sikhs.

(10) In case election is resorted to through municipal or district boards, I would suggest that with the exception of the election of official members, the Musalman electors should elect Musalman members and the Hindus (who include the Sikhs) the Hindu members.

(11) I am in favour of the separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, provided the changes suggested in clause (*c*), paragraph 22, of that letter are caried into effect relating to the constitution of municipal committees and district boards.

(12) In case provision is made for the separate representation of Muhammadans I would recommend that their selection should be made by means of nomination.

(V). (13) I approve of the system suggested in paragraph 23 of the Government of India letter for the discussion of the Budget in the Legislative Council.

(14) I am of opinion that the Provincial Budget should be discussed in the Punjab Legislative Council, its discussion by separate heads being carried in the manner suggested in paragraph 23 of the Government of India letter.

(15) Yes. I advocate that the concession be given to the members.

FAZAL HASAN,
Government Pensioner and Rais.

The 9*th December* 1907.

No. 28-P., dated Delhi, 12th November 1907.

From—A. Meredith, Esq., C.S., Commissioner and Political Agent, Delhi Division,

To—The Chief Secretary to the Government of the Punjab.

With reference to your confidential letter no. 2610, dated 26th September 1907, I have the honour to inform you that I discussed the proposals relating to the establishment of Imperial and Provincial Advisory Councils with the Raja of Sirmur on my recent visit to his State, but I could not induce him to give me a decided opinion, as he said he had not sufficiently studied the correspondence. He promised to send me his written opinion, and I now forward copy of his letter no. 12, dated 6th November 1907, on the subject.

A. MEREDITH,
Commissioner and Political Agent, Delhi Division.

No. 12, dated 6th November 1907.

From—His Highness Raja Sir Surindar Bikram Parkash, Bahadur, K.C.S.I., Chief of Nahan (Sirmur),

To—The Commissioner and Political Agent, Delhi Division.

In acknowledging the receipt of your confidential letter no. 1821, dater 30th September 1907, forwarding a copy of a letter no. 2310—2317, dated Simla, the 24th

August 1907, from the Secretary to the Government of India, regarding the measures necessary for giving to the people of India a greater voice in administrative matters, and asking my opinion regarding the Advisory Councils, especially the services of the ruling Chiefs on them, I have much pleasure to say in reply to the said letter, and with reference to the verbal conversation we had at Nahan lately while you were here, that as the Imperial and Provincial Advisory Councils will be formed for purely consultative purposes and the ruling Chiefs will be consulted either individually or collectively on matters referred to them, I have nothing special to add, but quite agree to the proposals contained in the Government letter under reference which in my opinion will serve the purpose admirably for which the said councils are intended.

SURINDAR BIKRAM PARKASH,
Chief of Nahan (Sirmur).

No. 236, dated 2nd December 1907.

From—Major C. P. Egerton, I.A., Deputy Commissioner, Hoshiarpur,
To—The Commissioner, Jullundur Division.

In compliance with your circular endorsement no. 161—3372, dated 9th October 1907, I have the honour to submit my replies to the questions attached to Punjab Government letter no. 2643-S., dated 27th September 1907, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

C. P. EGERTON, *Major,*
Deputy Commissioner, Hoshiarpur.

Endorsement by the Commissioner, Jullundur Division, no. 3993, dated Jullundur, 3rd December 1907.

The above copy, with enclosure in original, forwarded to the Hon'ble Mr. E. D. Maclagan, Chief Secretary to the Government of the Punjab, in continuation of this office letter no. 3971, dated 2nd instant.

H. S. P. DAVIES, *Lieut.-Col.,*
Commissioner, Jullundur Division.

Replies to questions in connection with Government of India letter no. 2310—2317, *dated the 24th August* 1907.

I. (1) I consider that an Imperial Advisory Council on the lines suggested would be beneficial to the country, and this generally is the opinion of the Indian gentlemen whom I have consulted. As to its constitution the number of seats allowed to ruling Chiefs seems to be somewhat too large, and one or two gentlemen whom I have consulted are rightly, I think, of the opinion that ruling Chiefs are not always in touch with public feeling in British India. I think also that when the council was called together to deliberate the question of precedence with respect to ruling Chiefs might possibly lead to misunderstandings. Another question which arises is the natural dislike of a ruling Chief to leave his own dominions and become an individual member of a deliberative assembly.

II. (2) A Provincial Advisory Council would certainly be useful. There are no dissensions as to this among the Indian gentlemen with whom I have consulted. As to its constitution, that proposed in paragraph 6 of Government of India letter seems sound. The numbers proposed in Chief Secretary, Punjab Government's letter, paragraph 4, seem too small. In order to properly represent all classes and interests they should, I think, be increased. Again the question of ruling Chiefs comes in. Unless His Honour the Lieutenant-Governor were to preside himself over this consultative body the question of precedence would be a difficult one.

III. (3) I approve of the proposal to enlarge the Imperial Legislative Council and of the scheme sketched out in paragraph 12 of the Government of India letter.

(4) I approve of the proposal that one member be elected by the Provincial Legislative Council as proposed in paragraph 13.

(5) I approve of the selection of one of the great land-owners in the Province, but as he must of necessity be well educated in English in order to properly understand the proceedings the choice will be extremely restricted. For the Punjab, therefore, there

seems no necessity for resorting to election. I consider that he should be nominated. The majority of the gentlemen I have consulted are in favour of nomination rather than election of this representation of the land-owners of the Province.

(6) I approve of the proposal to appoint 4 Muhammadans to the Imperial Legislative Council—2 by election and 2 by nomination. I recommend that the two elected members be so elected by members of the Provincial Council and not by an electorate. If an electorate be decided on it might consist of graduates of the Punjab University and land-owners paying Rs. 1,000 and upwards land revenue.

IV. (7) An increase in the numbers of the Punjab Legislative Council appears necessary, I approve that there should be 10 official members and 8 non-official.

(8) I would maintain the present system of nomination.

(9) In either case I consider that a fixed rule determining the proportions of the seats to be allotted to each class should be made 4 nominated and 4 elected:—

Land-owners—	Hindu.	Muhammadan.
Nominated	1	1
Elected	1	1
Trade	1	1
Professions	1	1

(10) If elections are to take place it might be through district boards for land-owners and through municipal committees for trades and professions, but I strongly deprecate the introduction of elections into the Punjab.

(11) I do not consider that the proposals contained in paragraph 22 (*b*) are exactly suitable, and the proposals contained in paragraph 22 (*e*) appear too elaborate for the needs of the Province. If they be considered necessary I would prefer to consult municipalities and district boards separately and thoroughly as to the classes into which they would divide themselves before giving a definite opinion.

(12) As already stated, I consider that Muhammadans should be nominated. If they are to be elected the electorate should, I consider, consist of registered graduates of an Indian University and of more than five years' standing, and all payers of land revenue exceeding Rs. 1,000 a year, together with all payers of income-tax of Rs. 2,000 and upwards.

V. (13) I agree to the proposed alteration.

(14) I consider that the Provincial Budget should be discussed in the Provincial Legislative Council under separate heads in the manner proposed.

(15) The power of interpellation might be usefully granted.

In conclusion I may add that no member should be appointed or elected to the Imperial or Provincial Legislative Council who has not a sufficient knowledge of English to thoroughly understand the proceedings. I have no statistics at hand showing how many of the land-owning and trading classes have this knowledge, and if they can only elect members from amongst their own community this choice will be very restricted.

C. P. EGERTON, *Major*,
Deputy Commissioner, Hoshiarpur.

No. 82, dated 20th November 1907.

From—R. E. Younghusband, Esq., C.S., Commissioner, Lahore Division,
To—The Chief Secretary to the Government of the Punjab.

Your letter no. 2610-S., dated the 26th September last, reached me at Dalhousie just after I had completed a long tour in Chamba, in which I was accompanied by His Highness the Raja, and I did not have another opportunity of discussing the subject of your letter with him. We had, it is true, discussed the subject of the proposed Advisory Councils on more than one occasion during our tour, but the Raja is very guarded in the expression of his opinions, and I did not feel able to state fully what his views on the subject were. I therefore asked him to let me have them in writing for the information of Government. I now enclose a copy of a demi-official letter, dated the 16th instant, from him, in which he expresses the opinions that the establishment of Advisory Councils will be a wise and useful measure, and that ruling Chiefs will consider it an honour to serve on these Councils.

R. E. YOUNGHUSBAND,
Commissioner, Lahore Division.

Demi-official letter, dated 16th November 1907.

From—His Highness Raja Sir Bhure Singh, K.C.I.E., C.I.E., Chief of Chamba,

To—R. E. Younghusband, Esq., Commissioner, Lahore Division.

As promised in my previous letter, I beg to submit the following opinion with regard to the proposed constitution of the Imperial and Provincial Councils:—

1. I consider the establishment of such councils by Government as a most important and benign measure, having for its object the association of the aristocratic classes in the administration of India. I am sure that the class of men Government is likely to select to sit on the councils will be more suitable to represent the interests of their communities than would have been the case had the selection of the councillors been left to election. This method would have admitted educated men who would naturally have advocated things according to their new ideas and thoughts. I am sure these councillors will try their best to discharge the responsibilities with which Government is entrusting them faithfully and honestly. They will be in the position of advisers, and not critics who like criticising the actions of others, knowing that they will never be called upon to answer for or put their views into practice. I do not believe for a minute that these councillors will act so meanly as they are represented as likely to do in the Indian newspapers. They are to offer their opinions on measures from the side of the people, *viz.*, to explain to Government how they think they are likely to affect the interests of the communities they represent, and also to state the case from their own standpoint. I do not believe the Indian gentry have fallen so low as not to have the courage of their convictions in stating the case clearly before Government for its consideration and final disposal.

2. I am only sceptical on one point where the letter says that such Councillors will be a sort of medium between Government and the people for the diffusion of correct information upon the acts, intentions, and objects of Government when the measures discussed with the councillors are to be treated as confidential. I believe that Government means that after the measures have passed the consultation stage, the councillors will be at liberty to explain the reasons and objects of the same to the people so as to avoid any chance of misapprehension on the part of the public.

3. These councils are not to receive any legislative recognition. I do not think such is needed, unless it is considered necessary to remove any misunderstanding on the part of the people that these councils will continue to be maintained. I mention this, as people are apprehensive that these councils are not likely to last long, and they are being compared with the "Councillors of the Empire" who were appointed by Lord Lytton.

4. I have personally nothing to say against the proposed constitution of these Advisory Councils, and am sure this step forward will be much appreciated by the ruling Chiefs and the magnates of India, and I am convinced that those who are nominated will regard it as an honour to serve on the councils. We Indians are deeply indebted to Lord Minto's Government for having seen the practicability of associating us in the administration of the country. I hope the people of India and the ruling Princes who are likely to have the honour of sitting on these councils will use every effort to help Government with their advice, and thereby show that they are loyal and faithful subjects of the Crown and capable of assisting Government in making the British rule in India a permanent blessing. I am sure the hope I have expressed here is general among all my brother ruling Chiefs and magnates in British India, and that they fully realize their obligation to identify themselves with Englishmen in asserting the British supremacy and in striving to further by every means in their power the best interests of India.

BHURE SINGH,
Chief of Chamba.

No. 4107, dated Jullundur, 13th December 1907.

From—Lieutenant-Colonel H. S. P. Davies, Commissioner, Jullundur Division,

To—The Chief Secretary to the Government of the Punjab.

In compliance with the orders conveyed in your letter no. 2610-S., dated the 26th September 1907, I have the honour to report that I forwarded a copy of the Government of India letter no. 2314, dated 24th August 1907, regarding the measures necessary for giving the people of India a greater voice in administrative matters, to His Highness the Raja of Kapurthala on his return from Europe last month, and that I recently took an opportunity of discussing informally and privately with him the proposals so far as they concern the Imperial and Provincial Advisory Councils. I have now to report the views of His Highness as gathered during my discussion of the subject with him:—

Imperial Advisory Council.—His Highness is in favour of such a council on the lines suggested, but considers that half the number of members should be ruling Chiefs

or their near relations, and that the remainder should be nominated from among the largest land-owners in the country. His Highness would advocate the admission of only territorial magnates having a very large income as members of such a council.

Provincial Advisory Council.—His Highness is in favour of the proposal, but does not consider it advisable that any ruling Chief should be a member, and is of opinion that this council should be of a representative character and should include land-owners, influential members of the professions, and mercantile community, etc.

H. S. P. DAVIES, *Lieutenant-Colonel,*
Commissioner, Jullundur Division.

No. 3687, dated Patiala, 26th-27th November 1907.

From—LIEUTENANT-COLONEL C. M. DALLAS, I.A., Political Agent, Phulkian States and Bahawalpur,

To—The Chief Secretary to the Government of the Punjab.

With reference to your no. 2610 S., dated 26th September 1907, I have the honour to forward herewith, in original, the opinions of the Rajas of Jind and Nabha, regarding the proposals of the Government of India to form Imperial and Provincial Advisory Councils.

His Highness the Raja of Nabha has also favoured me with his opinion regarding the other measures suggested by the Government of India for giving the people of this country a greater voice in administrative matters in the form of answers to the questions forwarded with your letter to all Commissioners. These he saw published in the Gazette, and so has answered them.

2. I have also discussed this matter with both the Chiefs, and I think the opinion they have given in writing express their real views. Neither of them, however, were very sure that the members of the Advisory Councils, except perhaps the ruling Chiefs, would give their true views when asked for their individual opinions.

The Raja of Jind also thought that although a more useful opinion could be obtained by collective consultation, still owing to the great expense and trouble of collecting many ruling Chiefs in one place, it would not be advisable to call them together frequently for collective consultation. He thought ruling Chiefs might be cousulted individually, and the other members collectively. His Highness of Jind also did not approve of the Muhammadans being specially selected for representation on the Legislative Council; he thought Sikhs ought to be also represented, and preferred that a certain number of seats for nomination by His Excellency the Viceroy should be reserved from among which His Excellency could nominate Muhammadans, Sikhs, or any other classes which required special representation. He had no objection to Muhammadans being nominated, but thought that if four seats were exclusively set aside for them, they might be unduly represented. I think this suggestion requires consideration. His Highness of Nabha too was really of a similar opinion, but he has expressed his opinion more fully than the Raja of Jind, and I cannot add anything to that opinion from our conversation.

3. On the whole I gathered that both the Rajas were in favour of the Advisory Councils and the enlargement of the Legislative Councils, but they were a little apprehensive lest these measures having been put forward at this time might lead the disaffected section of the people to think that it was on account of their agitation that these changes had been now suggested. It would, they thought, have been better to wait a little longer.

Another point His Highness of Nabha touched upon was that if the advice of the Advisory Councils was never taken, it would tend to disaffection, and therefore he hoped that their advice would sometimes be taken.

4. His Highness of Nabha also suggested that all the ruling Chiefs on the Imperial Advisory Council should spend the summer at Simla, so that His Excellency the Viceroy might consult them whenever he wished to do so, and also might keep an eye on them and prevent them from getting into mischief. This, however, seems rather a personal matter, and was no doubt suggested by His Highness in order to furnish an excuse for his own presence there. I told him I thought this might be rather hard on Chiefs whose States were at a distance from Simla and who had cool hill stations either in their own States or nearer to them than Simla. I mention this suggestion, however, as His Highness spoke of it.

C. M. DALLAS, *Lieutenant-Colonel,*
Political Agent, Phulkian States and Bahawalpur.

Dated Sangrur, November 1907.

From—His Highness Raja-i-Rajagan Ranbir Singh, Chief of Jind,

To—The Political Agent, Phulkian States and Bahawalpur.

With reference to your demi-official no. 3093, dated the 1st October 1907, forwarding a copy of a letter from the Government of India, no. 2310—2317, dated the 24th August 1907, I wish to express, at the outset, my warm appreciation of His Excellency the Viceroy's noble idea.

2. As I am chiefly concerned with the establishment of Advisory Councils, I need express my opinion only in their connection. To begin with, I am frankly of opinion that these institutions will be of considerable service alike to the Government and the people. They will also prove to be of great advantage to the ruling Chiefs, as association with the Government of India in important matters of common and Imperial interests will indirectly bring forth most happy results.

3. I am an advocate of the ruling Chiefs being included in the Advisory Councils, especially the Imperial.

4. The members of the Advisory Council may be consulted individually or collectively, but for ruling Chiefs preferably by the former method. In connection with collective consultations, I would like to suggest that ruling Chiefs' seats might be distinct from those of the other members.

RANBIR SINGH,
Chief of Jind.

Dated Nabha, 1907.

From—Colonel His Highness Raja-i-Rajagan Raja Hira Singh, G.C.S.I., G.C.I.E., Chief of Nabha,

To—The Political Agent, Phulkian States and Bahawalpur.

In reply to your letter no. 3093, dated the 1st October 1907, I inform you that my personal views on the establishment of the Advisory Council are given in this letter which runs as follows, and formal answers to formal questions as given in Government Punjab notification no. 2643, dated 27th September 1907, are attached apart.

2. Proposals of the Imperial Government to disseminate widespread knowledge of the intentions and measures in contemplation of the Government anent public welfare and to invite opinions thereon are liberal. It is true indeed that inviting opinions on measures of sufficient administrative or legislative importance is in keeping with the traditions of the country, but it is equally true that in no period the process was graced with such formality and solemnity as is now proposed to be attached to it, and it is consequently undeniable that this new phase will in shaping the policy of the Government give weight and respect to the opinions tendered quite unprecedented. It is so, I see a very healthy and beneficent proposal, but that in its operation it may prove strictly true to its nature; it is highly essential that greatest care and circumspection should be bestowed upon the selection of the men who will be called upon to constitute Advisory Councils. Though these Councils are not for the time endowed with any legally binding or coercive power to enforce their views upon the Government, yet when once they come into existence it will not be an easy thing for the Government to thwart and ignore persistently the united volume of their views propounded. The institution which is at this time proposed to be set on foot as mere experimental seems in the long run destined to acquire an importance of its own and assume position entitling it to be regarded as an essential element of the constitution. The component parts of this institution, therefore, in my opinion, ought to be quite above the reach of any bias either this way or that, and who in their judgments should be guided by the principles of highest Government interests. In fact, their case ought to be that of the saw which pours forth bounties both sides and not that of the adze which works for the behoof of one side. It is equally essential that these noblemen should be sufficiently inured into politics, so that their judgments should be based upon rightful view of things. They are bound to be well aware with the nature and extent of the rights and duties of the subjects and the nature and extent of the prerogatives and responsibilities of the Government. It ought not to be regarded, moreover, I conceive inconsistent with the responsibilities of so sapient and impartial a class of the people of the land that besides dealing with the questions referred to them, they should be allowed to approach informally the Government *suo moto* with their suggestions on some vital questions of the day. Without some restrictive initiative being accorded to so high a class of the people as the proposed Advisory Councils are expected to consist of, it cannot be affirmed that they are conceded credit and trust which from their high

position they do deserve. It is a matter of experience that most often it happens that the people are seething with a gievance, but the current of popular indignation does not run so high and boisterously that the existence of the grievance should come within the knowledge of the authorities. In such conjuncture too, this class of the notables are, by enlightening the Government with real state of things and by suggesting them how to manage the situation, likely to prove of material service to the Government.

The more I reflect upon the scheme set afoot, the more I find myself overpowered by the sense of thankfulness to the Government. The Bengalis and the Aryas may in their conceitedness ascribe to themselves place in as high an intellectual plane as they will, but I amongst many of my ways of thinking cannot but find reason to be diffident (for the present at least) of the capabilities of the Indians to take share with their leaders in the administrative work of the country, until the social regeneration of the natives is worth a bit. I admit that our brothers could enfranchise themselves sooner and claim position amongst the most advanced nations of the world, if they were not slow to raise themselves above the mischievous teaching of the Purans and to dedicate themselves devotedly to Vedant Philosophy. I am sanguine that English education, too, must have proved quite a boon to them, but the most regrettable thing it is that the incomparably elevating influences of the most learned language of the world are more than countervailed by the rigid traditional outpourings of the Brahmans who would resent implacably and uncompromisingly at our slightly cutting a new improved path. The baneful effect (and indirect effect of course) of these outpourings is sufficiently borne witness to by the present hostile stand taken by my countrymen against their benefactors.

3. If this stage of our condition it is very unparalleledly generous of the Government to take us in confidence, and to say and talk so *euphemistically and flatteringly* of our qualifications to take share in practical administration. For this act of pure generosity there will be none who will not feel extremely grateful to the authorities.

4. The responsibilities proposed to be imposed are, however, very onerous, and it is not an easy thing to discharge them adequately. I believe that only members will exert themselves well who join diffidently; those who are forward in their claims, and would have seats in the council as their undisputed right, are presumptuous, and their presumptuousness is attributable to their ignorance of the sacred nature of the duties to be done. Before enlisting any man for the purpose, it will therefore be advisable to gauge him in respect of all his phases—literacy, blood, social and moral aptitude. I by no means intend to suggest that only persons should be nominated who obsequiously take their cue from the overlords, that would mean no more than to pack the house with ornamental chairs. I, like others, on the other hand, would like to see only magnates of the realm assemble in the Council Halls who are men of sufficient independence, but at the same time it is essentially necessary that they in their judgments should be inspired and actuated by the most loyal, and beneficent, and by no means any sordid motives either this way or that.

HIRA SINGH,

Chief of Nabha.

Answers to questions as given in the Government of Punjab Notification, no. 2643, *dated* 27*th September* 1907.

Question I.—(1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?

Answer.—I am confident that this council will bear good fruit, provided only the best men of the soil are enlisted therein.

With reference to clause 3, paragraph 5, it is essential to suggest that from every section of the Indian community one or two ruling Chiefs who so deserve merely by virtue of their personal ability may be allotted seats in the council. As regards other members, it seems to be recommendable that first lists be drawn up of the best eligible inhabitants of all the districts, and then from amongst so selected people nomination be made of the most competent men of all.

On clause 4, paragraph 5, I have simply to remark that no doubt the term five years is most approvable, but this term may not be conterminous with the term of each Viceroyalty; on the contrary, it ought to span the half period of each Viceroy, so that the new Viceroy may have the benefit of the experience of the old councillors.

The limitation made in clause 6, paragaph 5, that its functions should be purely advisory, and that it should deal only with such matters as might be specifically referred

to it from time to time, is not well conceived. When journals of the day are suffered to criticise all administrative and executive measures of the Government so freely and openly, there can be no justification. I think, in withholding from the Chiefs and notables of the country in whose staunch and unwavering fidelity the Government has perfect trust the right of propounding in a private conclave measures appertaining to the Government or public welfare, which they deem peremptorily called for. Sound policy necessitates it, however, that where a member has submitted a new proposal, and that has found approval in the eyes of the authorities, they in order that the propounder may not conceive an overweening opinion of himself must allow some time to elapse before bringing it into practice.

Clause 7, paragraph 5, is well intended, but not well conceived. Where so good a number of the people do assemble and discuss, to try to keep the proceedings strictly confidential and secret is to contend against impossibility. Public curiosity is bound to be on the tiptoe on such occasions, and it is but unnatural to expect from all the members who do take part to be strictly close—secret-keepers. Also it is impossible to identify the man who allows some thing to leak out from him deliberately or inadvertently: some bits or scraps of the proceedings are sure to transpire. Under such circumstances, the only result will be that this state of things will give rise to wild surmises, much misrepresentation, and much misunderstanding of the intentions of the Government. So in this instance the history of the British Parliament will repeat itself.

Question II. (2) *Provincial Advisory Councils.*—Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposals made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?

Answer.—I most vehemently approve of the establishment of the Provincial Advisory Councils; the system will be very serviceable; the manner of appointment of the councillors, however, should absolutely rest with the Government.

Question III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

Answer.—I do not see reason to say anything against the enlargement of the Legislative Council. But as the motive of self-consideration is the great vice of my countrymen, it is therefore that we have so very irreconcilable divergence of views. It is unanimity and uniformity and smoothness of action that conduces to much good, and that is obtainable only by self-denial and self-abnegation.

Question (4).—In particular, do you approve of the proposal, that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?

Answer.—The proposal that Provincial Legislative Council should send its one member of the Imperial Legislative Council is well conceived.

Question (5).—Do you approve of the selection of one of the great land-owners of this province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?

Answer.—Indeed of the great land proprietors of this province, one member should be sent up to the Imperial Legislative Council; and his election may be made thus,—first every district officer may call on the land-lords of his district to elect one of themselves to form a body of electors which body again may elect one of themselves for Imperial Legislative Council.

Question (6).—Do you approve of the proposed appointment of four Muhammadans to the Imperial Council, two by election and two at least by nomination as suggested under heads D (*d*) and (*e*) of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter.

Answer.—I cannot endorse the provision in contemplation for special representation of the Muhammadans; such distinctions are calculated to create breaches; otherwise every other section should be gifted with the right of special representation; but it is best not to make distinctions, and to make nomination or election depend upon personal worth alone irrespective of caste or creed.

Question IV (7). *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

Answer.—The enlargement of the Provincial Legislative Council, it is hoped, will prove beneficial, and the number of the councillors may advantageously be increased to 16, 17, or 27.

Question (8).—Would you maintain the present system of nomination, or would you have any or all of the unofficial seats filled by election?

Answer.—I appreciate nomination of course, but this much deserves consideration that when members are elected by universal suffrage, public opinion has faith in them and backs them in all their representations whatever they be; so if it is intended to influence public opinion, the system of election ought to have preference.

Question (9).—In either case would you advocate fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter), and, if so, what classes do you consider should be represented and in what proportion?

Answer.—One and the same principle should be the lodestar of both the Imperial and Legislative Councils, and in order to recruit both preferably personal worth should alone have regard.

Question (10).—If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorates would you suggest?

Answer.—The procedure that is current is alright, but election should be decidedly based upon personal worth.

Question (11).—If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*) and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

Answer.—It has already been answered (*vide* answer (6)).

Question (12).—If you think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose?

Answer.—*Vide* answer (6).

Question V. (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

Answer.—As regards the discussion on the Budget in the Legislative Council, the changes proposed by the Government are well advised.

Question (14).—Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

Answer.—Here too the discussion is necessary and ought to be guided by the same principle as in the Imperial Council.

Question (15).—Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?

Answer.—The right of questioning in the Punjab Legislative Council, I believe, will prove as beneficial as it has already been in the case of the Imperial Council. This system necessarily brings many important points to light.

HIRA SINGH,

Chief of Nabha.

No. 884, dated Lahore, 20th December 1907.

From—The HON'BLE MR. J. WILSON, C.S.I., Financial Commissioner, Punjab,

To—The Chief Secretary to the Government of the Punjab.

I have the honour, in reply to your letter no. 46, dated 19th October 1907, to submit my opinion on the proposals made by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

2. I may be permitted to say that I am in entire sympathy with the policy embodied in these proposals. I think that, notwithstanding the consistent efforts which have been made, at all events in recent years, to take the people more into the confidence of the Government, there is still among the masses of the people a great want of understanding of the intentions of Government which it is desirable to remove, and that one of the best means of encouraging that understanding will be the establishment of Advisory Councils, such as are now suggested in Sir Harold Stuart's letter, to which the executive Govern-

ment should explain its action and the measures it proposes to adopt. I also recognise that the time has come when the true representatives of the people of India should be given a greater say in administrative measures, and these Advisory Councils and the enlarged Legislative Councils will form the most satisfactory medium for enabling them to express their ideas and wishes and to bring them to the notice of Government. But for the success of the scheme two precautions are essential. In the first place nothing must be done which will imperil the true welfare of the masses of the people in the interests of any class, however important or influential, or exacting in its demands. In my opinion no section of the population of this country is yet fit to be entrusted with uncontrolled power over its fellow-subjects; and whatever changes are made in the system of government, it is imperative that the real ultimate power of legislation and of executive action should remain in the hands of the Government as at present constituted, whose responsibility for the good administration of the country must remain unimpaired. I am, therefore, glad to see that under the present proposals the Government will continue to command a majority of votes on the Legislative Councils, and that the Advisory Councils will not be invested with formal powers of any sort.

3. The second essential is that, when inviting the people of India to take a larger part in devising legislative and administrative measures, we should see that we secure the advice of the true representatives of the people. A strong demand has lately been made for the special recognition of the claims of the so-called "educated classes" to a greater share in the government of the country, and this claim may to a certain extent be admitted. But care must be taken that the true importance of these classes is not exaggerated, as might well happen from the greater opportunities they have of pushing their claims through the public press, by speeches at public meetings, etc. As a matter of fact the "educated classes" comprise only a small fraction of the total population, a very large proportion of them have only a smattering of education, and the number of men, outside Government service, who have any real experience of the work of administration or any true idea of the responsibilities of an adviser on the principles and practice of good government, is infinitesimal. We must, therefore, be careful not to sacrifice the interests of the great body of the population to the noisy demands of a comparatively small fraction, merely because they can read and write and make fluent speeches. It is also to be remembered that the whole of the details of administration are already carried out by educated Indians, who form the vast body of the servants of Government in this country. These men are carefully trained, and as they prove themselves fit are invested with higher powers, which they usually exercise with great ability and trustworthiness; and it might well be argued that in this manner the educated classes of India already enjoy a share in the actual government of the country out of all proportion to their numbers. To those who, in the name of the educated classes, claim a greater say in measures of legislation and administration, it might well be answered that Government is ready to accept men of their class as its servants, to give them the careful training that is necessary to fit them for exercising power over their fellows, and to give due weight to their opinion when they have proved themselves worthy of regard. I am, therefore, glad to see that under the present proposals care is taken not to give an undue preponderance to the claims of men whose only qualification for the exercise of influence in the administration is their education, and that the intention is to invite to council the true leaders of the people, who have some experience of the difficulties of managing real affairs, and some true sense of responsibility.

4. I would also support the proposal to select representatives by classes, and even by religions. In this country, far more than in England, a man's religion determines his ideas and prejudices, his interests, and his wishes; for instance, a Hindu land-owner would not truly represent the interests of Muhammadan land-owners, though he might have been elected by a large body of land-owners, some of them belonging to one religion and some to the other. If therefore we want a real representation of the different classes of the people, we must not be content with a mere property qualification, but must provide for representation by classes and religions. I am, therefore, in favour of the proposal to provide that a certain number of seats shall be filled by Muhammadans, who would otherwise, in some parts of the country, be swamped by their Hindu fellows, though I would adopt a different method for securing this end. It is also essential that each class should be represented by one of its own members and should not be allowed to elect an outsider as its representative.

5. It must be borne in mind that the different provinces of India and the different classes of the people are at very different stages of development, so that it would be a grievous mistake to lay down a hard-and-fast rule as to the method of selecting representatives, to be applied to all provinces and all classes. This is especially the case as regards the question of nomination or election. In some provinces and among some classes the people have some understanding of the system of electing by majority of votes, and it might be safe to entrust them with the right of electing their own representatives. In others again they have had so little experience of elections that they do not really understand the system and have no proper sense of responsibility in giving their votes, and a system of nomination is the only one which will secure a true representative of the class. It is obviously much easier to advance from nomination to election than to withdraw

the right of election once given. I therefore advocate the following general principle. When Government has determined the classes who are to be represented, and the qualifications for admission to each class, it should decide whether each particular class will be best represented by nomination or by election. In cases of doubt the question might be specifically referred to the members of the class for an expression of their wishes as to whether they would prefer to elect their representative by a majority of votes, or to leave it to Government to nominate a suitable representative from among them. But even where a majority of the class voted for a system of election, this privilege should not necessarily be conferred on them unless Government approved, though hopes might be held out to them that they would receive the privilege at some future time, when Government considered them fitted to exercise it.

6. In other respects also it would be wise to proceed cautiously. We are making a great experiment, and it is difficult to draw back. We should, therefore, begin by conferring restricted powers on these councils, and provide for gradually enhancing those powers as they prove themselves worthy of the confidence of Government and of the people. We should also at first impose a high standard of qualification for the members of each class, so as to have only a small body from whom a representative must be chosen. It will be easy in future to lower the qualification and increase the number of qualified members.

7. I now proceed to offer my suggestions as to what should be done in the Punjab, the province with which I am most familiar. Here the people have had very little experience of the system of election by majority of votes, and many who are qualified to vote have failed to exercise their right or have shown themselves unworthy of it. The best men have also shown much reluctance to expose themselves to the annoyance of an election, while quite willing to serve if nominated by Government. I think, therefore, we should be very chary at present of introducing any system of election of representatives to councils in the Punjab.

PUNJAB LEGISLATIVE COUNCIL.

8. The Legislative Council at present consists of not more than nine members, in addition to the Lieutenant-Governor. The members are all nominated, and at least one-third of them must be non-officials. The council has been at work for ten years, and in my opinion has passed a number of Acts which are highly beneficial to the population of the province generally, and which would not have been passed in an equally suitable form had the council not been constituted. It has on the whole proved a most useful body, and there is no spontaneous demand on the part of the mass of the population for any change in its constitution. I recognise, however, that, in accordance with the spirit of the times, it is advisable to increase its numbers and enhance the functions of its individual members, and to make them more representative of the different classes of the people. At the same time, as pointed out by the Government of India, it is necessary to impose a somewhat narrow limit on its numbers, as otherwise the necessity of maintaining an official majority would entail a waste of time on the part of a number of busy officers. Municipal and local boards have hitherto had no say in this province in the election of members of the local Legislative Council, and I am strongly opposed to giving them any voice in the matter. Most of them consist of men who are only beginning to learn the rudiments of administration, and they are not likely to be fitted, for many years to come, to exercise the responsible function of electing a legislator. As I have already said, I think we should exercise caution in making our forward step, and the Punjab, which has been under British rule for less than sixty years, is not yet ripe for such an enlargement of its council or for so large an introduction of the principle of election as are some of the older provinces. I recommend, therefore, that the number of members of the Punjab Legislative Council should be fixed at not more than fifteen (in addition to the Lieutenant-Governor) and that the condition that at least one-third of these should be non-officials should stand. To maintain an official majority it will be necessary that eight should be officials, so that not more than seven will be non-officials. The classes for which representatives are mainly required are in this province (1) the Muhammadan land-owners, (2) the Hindu land-owners, (3) the Sikh land-owners, (4) the commercial classes without distinction of creed, (5) the educated classes, including the lawyers. The other classes of the population, who are mostly illiterate, are not at present fit to have representatives of their own, and their interests are generally sufficiently looked after by the official members. I would give a representative to each of the five classes above mentioned, and leave the Lieutenant-Governor a perfectly free hand to nominate the remaining two non-official members. This power would enable him to adjust any inequality of representation and to bring on to the council those men whose advice he considered most valuable.

9. I do not think there should be anything like a general election of simultaneous shifting of members. Each individual member should hold office for three years, and on the expiry of that term, or on his death or resignation, a new representative should be selected (the retiring member being eligible for re-selection) and should hold office for three years.

10. The whole of the members should in the first instance be appointed by nomination but each of the five classes should be asked to vote on the question whether it would

prefer to be given the power to elect its representative by a majority of votes or would be content to leave the nomination to the Lieutenant-Governor. It should, however, rest entirely with Government to decide whether and when the right of election should be granted, and the decision need not be the same for each class.

11. I. The representative of the Muhammadan land-owners should be selected from among the 52 Muhammadan land-owners who pay Rs. 2,500 land revenue or more.

II. The constituency of Hindu land-owners, any of whom would be eligible for selection, should be about 50 in number. Possibly a qualification of about Rs. 1,750 of land revenue would give a suitable body.

III. There are 58 Sikh land-owners paying Rs. 1,000 land revenue or more, and this might be accepted as the qualification in their case.

IV. In the case of the commercial classes the interests of the different religions are not so diverse as to make it necessary to recognize any religious distinction. The Punjab Chamber of Commerce has put forward a claim to have the election of a member, but it does not include all the important firms in the Punjab, and is still in its infancy, though it promises to do useful work. As regards this class I would have a mere property qualification, and would confine the selection to individuals or representatives of firms paying income-tax on not less than Rs. 25,000 a year. This would give a constituency of 60 persons. If a large majority of this class, on being specially consulted, voted for a system of election, I would let them have it.

V. The educated classes of the Punjab are best represented by the graduates of the Punjab University, and in this case there is not so much objection to having a large constituency. I would make it consist of all graduates of over ten years' standing, and would grant them the privilege of election, if by a large majority, they voted for it. I would not, in the first instance, impose any restriction except that they must elect one of their own number, but I would retain the power of imposing some restriction in future. For instance, if the result showed that unrestricted election resulted always in the return of a Hindu lawyer, it might be advisable to prescribe that the member should be alternately (*a*) a Hindu or Sikh, (*b*), a Musulman, or alternately (*a*) a lawyer, (*b*) a man of some other profession. There is no doubt the objection that there is a danger of introducing a political element into the University, but I think the risk is not very great, and that it is advisable to go thus far to meet the demands of the educated classes as such.

12. Under my proposals, therefore, the Legislative Council of the Punjab would consist of not more than 15 members (besides the Lieutenant-Governor) as follows:—

1. A representative of the 52 Muhammadan land-owners who pay not less than Rs. 2,500 land revenue.
2. A representative of about 50 Hindu land-owners who pay not less than about Rs. 1,750 land revenue.
3. A representative of the 58 Sikh land-owners who pay not less than Rs. 1,000 land revenue.
4. A representative of the 60 persons or firms who pay income-tax on not less than Rs. 25,000 a year.
5. A representative of the graduates of the Punjab University of over 10 years' standing.

6 and 7. Two non-official members nominated by the Lieutenant-Governor.

8 to 15. Eight official members nominated by the Lieutenant-Governor.

Total 7 non-official and 8 official members.

13. I would give the members of the Punjab Legislative Council the restricted right of interpellation enjoyed at present in the Imperial Council. It may cause some inconvenience to Government in preparing the answers to troublesome questions, but the privilege is evidently much valued, and we must be prepared to face some inconvenience in order to afford to members the information they desire on matters that interest them. For similar reasons, I would allow a general debate on the Budget and on the financial policy of Government, but I do not think it advisable or necessary in the Punjab at present to go further and allow a discussion by heads.

Punjab Advisory Council.

14. As regards the proposed Advisory Council for the Punjab, I am in favour of such an institution for the general reasons I have already given, but its functions should be purely advisory, and it should be established in the first place on a tentative footing. It should bear as far as possible representative of the different classes of the people. The members of the Imperial Advisory Council who belong to the Punjab or its Native States and the seven non-official members of the Legislative Council should be *ex-officio* members of the Advisory Council, and all the remaining members should be nominated by the

Lieutenant-Governor. He should nominate an additional member from each of the five classes I have above enumerated, and in doing so would no doubt do what was possible to adjust the representation. For instance, if the Punjab University had returned as member of the Legislative Council a Hindu lawyer, he might add a Muhammadan doctor to his Advisory Council as the second representative of the University; or if the commercial classes had sent up a European member of Legislative Council, he might select a Hindu banker as second representative. He should also have the power to nominate an additional number of members, official or non-official, without any restriction as to qualification, chosen so as to represent other interests—the total number of the council not to exceed twenty-five. Each individual member should hold office for three years from the date of his nomination, but should be eligible for renomination. The council at its maximum would therefore consist of the following members:—

Members of Imperial Advisory Council, say	5
Non-official members of Provincial Legislative Council . . .	7
Additional representatives of the five classes enumerated . .	5
Additional members nominated by the Lieutenant-Governor . .	8
TOTAL .	25

15. This council would be purely a consultative body and would advise, either by letter or in general meeting, on any question referred to it by Government. It is very important that Government should obtain the true opinion of its members, and that no opinion meant to be confidential should ever be published. In referring any question to them therefore Government should distinctly say whether the replies are intended to be published, and no communication marked "Confidential" should ever on any account be made public. Each member should be at liberty to ask Government for information on any subject or to make any suggestion for consideration, but it should rest entirely with Government whether to give the information, or to take the suggestion into consideration, or to refer it to the council for opinion. Neither the council nor any member of it should have the power to insist on being given information which Government thinks it best to withhold, or to discuss any question which has not been referred to the council by Government. Possibly as time goes on and the Advisory Council gains experience and proves itself worthy of trust, it may become expedient to grant it this power, but it would be unsafe and embarrassing to give it at present.

IMPERIAL LEGISLATIVE COUNCIL.

16. As to the Governor General's Legislative Council, I recognise that it is desirable to increase its numbers and to extend the privilege of election more widely than hitherto; but it must be remembered that in order to maintain an official majority it is necessary to have available a sufficient number of official members, who must all be of some standing. The present somewhat clumsy device of calling in high officials from the Provinces as additional members, and keeping them in attendance at Calcutta and Simla, embarrasses the local administrations and involves a serious waste of power; for it is seldom possible to find sufficient important work on which to employ the official additional member during the season so that too often he remains idle at headquarters while he might have been doing useful work in some high post in his own Province. If, therefore, owing to an increase in the council, it becomes necessary to increase the number of official members, I think that they should as a rule be required to perform their duties as such in addition to their ordinary duties, and only be summoned to actual meetings of council, unless in the case of those members for whom really useful committee work can be found to justify their detention for a time at headquarters.

17. I would support the proposal that the council should include a representative of the non-official members of the Punjab Legislative Council and a representative of the larger Punjab land-owners. As regards the former, I would concede the privilege of election and would confine the constituency to the non-official members, *past and present*, of the Punjab Legislative Council, who should be required to elect a representative from among their own number. This constituency would be small at first, but would gradually increase in numbers, and would consist entirely of men who had served on the Provincial Legislative Council and who thus had some idea of the duties and responsibilities of a legislator. I would require them to elect alternately a Muhammadan and a Hindu or Sikh, unless they chose to elect a Christian, in which case his term of service would be excluded in reckoning the alteration.

18. The representative of the land-owners of the Punjab should not for the present be elected, but should be nominated by the Lieutenant-Governor from among the land-owning constituencies I have suggested for the Legislative Council. He should have entire freedom of selection, but would no doubt ordinarily select a member of a different religion from the member elected by the non-official members of his council; so that the Punjab would be represented by two members, one of whom would ordinarily

be a Muhammadan and the other a Hindu or Sikh. Government should remain the power at some future time to confer the privilege of electing their representative on the large land-owners of the Province, subject to such conditions as it might think fit to impose.

19. I think the proposal to allow the Chambers of Commerce of Calcutta and Bombay to elect a member each a good one, but I would provide for the representation of the commercial classes of the other Provinces also. Perhaps the privilege of electing a member might be conferred alternately on (1) the commercial classes of the Punjab, the United Provinces and the Central Provinces, and (2) those of Madras and Burma. In that case the constituency might consist of those individuals or firms who pay income-tax on not less than Rs. 50,000 a year.

20. I recognise that it is necessary to provide for the fuller representation of Muhammadans, but I think this might be done more indirectly than by the invidious plan of laying down that so many of the members must be Muhammadans. Under my proposals for the Punjab representation, one of the two Punjab members will almost always be a Muhammadan, and I should think it would be possible to attain the due representation of Muhammadans by some similar arrangement as regards the other Provinces. I doubt whether it is wise for Government to bind itself to any *minimum* number of Muhammadan members, any more than it would be to lay down that there must be so many Hindu or Sikh or Parsi members, and I gather that this favour so ostentatiously conferred on the Muhammadans is strongly resented especially by the Hindus. I should be inclined still to endeavour to attain the proper representation of Muhammadans by less direct means, such as I have advocated for the Punjab representation, and trust to the Viceroy's power of nominating additional members, which should be untrammelled, to redress the balance, if any. Especially am I opposed to the proposal to allow Muhammadans as such to elect two members of council for themselves, without distinction of Province. It seems an obviously unfair arrangement, and if it is adhered to, will always be a reasonable grievance to the Hindus, Sikhs, and members of other religions, who are denied a similar privilege. It would be much better to lay down for each Province the proportion that the representative members of each religion should bear to each other, and provide that the constituencies belonging to the different religions should elect the Provincial representative in rotation so as to give them the due proportion of representation in the course of a term of years. For instance, if it is decided that the land-owners of Eastern Bengal should have one representative on the council at a time, but that the Muhammadan land-owners are entitled to twice the representation of the Hindus, the Muhammadan land-owners of the Province might elect the representative member for two terms of office, and the Hindus for the third. Such an arrangement would secure the desired end, and would be generally admitted to be fair.

21. So far as the Punjab is concerned, I am strongly opposed to the creation of any such large purely Muhammadan constituency as is contemplated in paragraph 17 of the Government of India's letter, and I cannot think that it would be advisable to create such a constituency in any Province of India.

22. As to the Budget debates in the Imperial Council, I think it is desirable to meet the wishes of some of the educated classes so far as to allow the Budget to be discussed by separate heads as well as collectively, although this will entail greater labour on the official members and longer sittings of council. What the objectors to the present practice no doubt would like is that they should have some say in the drawing up of the Budget before it is presented to council, but this is hardly possible, and I believe such a privilege is not enjoyed by individual members of the House of Commons. All that can be done is to promise to take the suggestions of members into account in framing the Budget of the next year, and to explain, in presenting that Budget, what action has been taken on the suggestions made at the last Budget debate, and why some have not been given effect to. More than this it is unreasonable to demand and would be embarrassing to give. It would be fatal to all good administration to allow the Budget to be tampered with at the last moment by possible faddists.

Imperial Advisory Council.

23. As already said, I am in favour of the constitution of an Imperial Advisory Council on the lines suggested by the Government of India. Its functions should be similar to those I have proposed for the Punjab Advisory Council (paragraph 14). I think, however, that the number of ruling Chiefs suggested (20 out of 60 members) is too high. It should be considered a high honour for a Chief to be invited to advise the Viceroy as to the administration of the Indian Empire, and this honour should be conferred only on those Chiefs whose administration of their own territories is thoroughly satisfactory. I would therefore make the number of ruling Chiefs "not more than 15" for the present. I am strongly in favour of having on the Imperial Advisory Council a preponderating number of the territorial magnates of the different provinces, but I think it is going too far to shut out altogether representatives of the other classes.

I would provide for their representation by including in the Advisory Council the non-official members of the Imperial Legislative Council for the time being. These men will have been chosen as representatives of the various important classes in the Empire and if they are fitted to have a voice in legislation their advice should surely be listened to on matters of general policy. This would also tend to prevent the Advisory Council from becoming a rival body to the Legislative Council, a result to be avoided if possible. I suggest therefore that the Imperial Advisory Council should consist of the following members :—

Not more than 15 ruling Chiefs selected by the Viceroy.

The non-official members of the Imperial Legislative Council for the time being—about 24.

Territorial magnates to be selected by the Viceroy—about 20.

At least 7 of the non-official members (pobably more) would be large land-owners, so that this class would exercise a preponderating voice on the Advisory Council. A council so constituted with members representing all the great interests of the country would command greater confidence than one consisting of Chiefs and territorial magnates only. I would not bind the Viceroy as to his choice of territorial magnates, but he would no doubt select men from each province, and would probably choose two from the Punjab—one a Muhammadan and the other a Hindu or Sikh.

24. In the foregoing remarks I have dealt with the various questions in what seemed to me their logical sequence. I now proceed to answer *seriatim* the questions put in your letter:—

I. (1) I think an Imperial Advisory Council would be of great service, but I would have on it not more than 15 ruling Chiefs, all the non-official members of the Imperial Legislative Council, and about 20 territorial magnates to be selected by the Viceroy (paragraph 23). I would not publish any documents or proceedings unless the intention to do so had been clearly intimated beforehand, nor any paper marked confidential. I would allow any member to ask for information or to make suggestions, but it should be entirely for Government to decide whether the information should be given or the suggestion acted on. The council should discuss only questions referred to it by Government (paragraph 15).

II. (2) A Provincial Advisory Council would be a useful institution. Its duties and powers should be the same as I have advocated for the Imperial Advisory Council. It should consist of the Punjab members of the Imperial Advisory Council, of the non-official members of the Punjab Legislative Council, of additional representatives of the Muhammadan land-owners, of the Sikh land-owners, of the Hindu land-owners, of the commercial classes, and of the Punjab University, and of not more than eight additional members nominated by the Lieutenant-Governor. Each individual member should hold office for three years, but should be eligible for renomination (paragraph 14).

III. (3) The Imperial Legislative Council should be enlarged, but the official members should mostly attend only at meetings and should carry on their own ordinary duties. It should include a representative of the non-official members of the Legislative Councils of each of the larger Provinces (including the Punjab) who should be elected by all the non-official members of the Provincial Council, past and present (paragraph 17). It should also include a representative of the great land-owners of each of the larger provinces to be nominated (for the present) by the Lieutenant-Governor (paragraph 18). Provision should be made for the representation of the commercial classes of provinces other than Bengal and Bombay (paragraph 19). No seats should be set apart to be filled by Muhammadans exclusively. Provision should be made for the proper representation of Muhammadans, and of the other main religions also, by confining the election or nomination of representatives to the different religions alternately, differences to be further adjusted by the Viceroy's untrammelled power of nomination (paragraph 20).

III. (4) Yes. See above.

III. (5) Yes. One of the great land-owners of the Province should (for the present) be nominated by the Lieutenant-Governor. His power of selection should be untrammelled.

III. (6) I am opposed to the reservation of any seats on the Imperial Council to Muhammadans exclusively, and especially opposed to any such Muhammadan electorate as is described in paragraphs 17 and 18 of the Government of India letter (paragraphs 20 and 21).

IV. (7) I would increase the number of members of the Punjab Legislative Council to not more than 15 (besides the Lieutenant-Governor) (paragraph 8).

IV. (8) I would retain the system of nomination at present, but would consult each body of qualified electors, and probably grant the privilege of election to the Punjab University and possibly to the commercial classes (paragraph 11).

IV. (9) For my detailed proposals regarding the representation of classes, see paragraphs 8 to 12.

IV. (10) See last answer. I would strongly oppose election through municipal or district boards (paragraph 8).

IV. (11) As regards the method by which the representation of classes should be secured see paragraphs 8 to 12. I am strongly in favour of a constitution of municipal committees, and of those district boards in which the members are elected, on the lines suggested in paragraph 22 (1) of the Government of India letter, but I think this question should be taken up separately.

IV. (12) I would not make special provision for the election of Muhammadan members of the Provincial Legislative Council, otherwise than by arranging that the Muhammadan land-owners shall elect a separate representative, by retaining the power in the case of the University of requiring that at every second election the representative should be a Muhammadan, and by the Lieutenant-Governor's power of nominating additional members. I am strongly opposed to the form of electorate suggested in paragraph 17 of the Government of India letter (paragraphs 20-21).

V. (13) Yes (paragraph 22).

V. (14) I would allow the Budget to be discussed, but only in a general way (paragraph 13).

V. (15) I would allow interpellation (paragraph 13).

25. I have discussed this important question with a few intelligent Indian gentlemen and have seen the opinions of a number of others. The general opinion among responsible men appears to be that the proposed enlargement of the Legislative Councils and the constitution of the Advisory Councils will bring Government and the people more closely together, will give the true representatives of the people a larger say in the administration of the country, and is as far as it is safe to go at present: with this I agree. There is a general feeling in favour of the election of representatives by votes, but many prefer that the system of nomination should continue for the present: with the latter opinion I agree. The Muhammadans are grateful for the arrangements proposed for their representation, and ask for more: I think this unreasonable. The Sikhs claim separate representation; I agree. The Hindus complain of the privilege of special representation proposed for Muhammadans: I think the complaint justifiable. The commercial and educated classes claim representation on the Imperial Advisory Council, and some of the land-owning classes support this claim: so do I. Almost all ask for the discussion of the Budget and the right of interpellation in the Provincial Legislative Council. I think this request should be granted.

J. WILSON,

Financial Commissioner, Punjab.

No. 60, dated 18th February 1908.

From—P. L. Barker, Esq., I.C.S., Deputy Commissioner, Shahpur,

To—The Commissioner, Rawalpindi Division.

With reference to your circular letter no. 2884, dated 16th November 1907, I have the honour to forward herewith a copy of answers to the questions regarding the Advisory Councils, recorded by the Honourable Malik Umar Hayat Khan, Tiwana, C.I.E.

Endorsement by the Commissioner, Rawalpindi Division, no. 542, dated Rawalpindi, 6th March 1908.

Copy, with copy of its enclosures, forwarded to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to the Government of the Punjab, in continuation of correspondence ending with this office no. 387, dated 15th February.

Answers to the questions.

I. I think the Imperial Advisory Council will be useful for the country because it is simply advisory, and there are chances of it being useful while it cannot be dangerous

in any way provided that the members are responsible enough to keep their views to themselves as confidential and should not abuse their position.

I agree as to their duties laid down in paragraph 5 and also its constitution in 1, 2, 5, 6, and 7. As to the 3, I would suggest that after choosing the ruling Chiefs who should be proportionate in numbers to the importance of the respective Presidencies or Provinces, etc. As to territorial magnates, I would suggest 4 to each Presidency, that is, Bombay and Madras; 3 to each province in which there is a Lieutenant-Governor; and 2 to each province presided by a Chief Commissioner, the total of which will be 29, and adding 20 as ruling Chiefs would make it 49; thus the remaining 11 seats could be given to certain industrial and commercial men or any others, representing big towns, interests, and minorities.

As to time, I think 5 years is too long, and 3 years would be more suitable if they are eligible for re-appointment.

II. Yes. And I think it will be better if each district is represented by a member whose name should be sent up by the Deputy Commissioner through the proper channel to the head of the department and then submitted if suitable for the confirmation of the Viceroy by the method of nomination and election combined if possible. This number would come up to 28 in the Punjab, and if it be considered that in certain provinces it might exceed the number which is desirable one man out of each division would do and the rest should be taken from classes which are already mentioned in the paragraph.

III. I do not approve of the enlargement of the Imperial Legislative Council which I think is quite sufficient for the purpose at present, as it is needless when Advisory Council of 60 is added to help them. If the enlargement of native members was meant to give them a chance of majority it would have been a different question, but when to keep them in minority the officials are also added, I do not think there will be any use of its enlargement except waste of time which I have alluded above in my introductory remarks.

But if Government chooses to enlarge the council being considered fit by themselves or the predominations of their such advisers I would also like to make certain remarks as to its constitution.

The method of election does not suit at all to our country, and it is far better that appointments should be left for nomination.

As to the election by Chambers of Commerce, there cannot be very much objection, but the election by nobles or the members of the Provincial Council would be greatly objectionable.

1. Each elector would at the same time like to be a candidate and thus there is a chance of each one getting a vote each.

2. If any one succeeds to poll more votes it will be merely accidental, and in great probabilities he will not be the fit and the best man.

3. As these all electors which will be of higher rank are generally uneducated and backward all round, the elected members would be of the same sort.

4. As to their knowledge limited to their own districts and divisions, it will be impossible for them to judge the ability or capability of a man whom they have never heard or never conversed with and thus are unfit to judge him.

5. The competition of such people would be so selfish and hotly contested that if one is chosen in face of the others they will consider him a life-long enemy. For all the above and many other minor considerations it will be advisable that the power should entirely with the head of the department who with his vast experience and superior knowledge and full acquaintance with the leading men of his province could easily pick out and nominate the fit person required for such posts. If this also fails to satisfy there is another suggestion, and that is a method of united nomination and election which could serve the purpose better than the mere election. For instance there are two men required from a province. The head of the department should pick 4 or 6 out of the candidates which would be towards nomination and then let the rest vote for them and elect the required men. Thus both the requirements would be fulfilled, firstly, that the picked people by the head of the department would be proper men and at the same time the electors would have the advantage of electing according to their own choice.

There could be another way of selecting the members and that is from Advisory Councils by the same above method, and that is that the head of the department should select double or treble the number required having regard to different classes, and then let the rest of the members vote for them, say each member being allowed to have a separate vote for different class representatives. In this way the Muhammadans, the Hindus, and the rest could be easily elected to the satisfaction of the authorities and the public.

Then again, coming to (*d*), that is letting the Muhammadans choose their own two members would be again very difficult, and the question would be who would be those Muhammadans to elect them. It is said that there are 72 different sub-divisions of the Muhammadan religion which are all different from each other, and it will be great difficulty unless the electing body is one which is authorised by all different classes which is impossible under the present circumstances.

Then, again, take Aligarh or the Islamia College, Punjab, or different Muhammadan rival associations of India, it will be difficult to recognise to which this privilege be given, and if any of them is particularly picked out it will cause a great heart-burning in the rest, and thus I would strongly advise, specially for Muhammadans, that at least these two appointments should not be elected, but should be nominated by the Government.

Here I would like to say something about the different organizations of India which are greatly misleading—

Firstly, that they are more on paper than in practice.

Secondly, they are generally the work of certain ambitious up-starts which are not the national leaders, and naturally being desirous of notoriety they devise such means of making so-called associations and try to show themselves as their leaders and prominent men, and thus bring themselves before the public and the Government. This is again a cause that such organisations or associations should not be given the power of election.

I hope I will again here be excused a bit if I go out of my way to say something more as to why should such organizations be discouraged. They might start on good lines, but by the change in years and time of the organizers or the coming in of the second generation it might entirely change its policy because it is a force which could be used either ways as histories of such organisations in India show a marked tendency of change towards the worst, and for this I have ventured to point out the advisability of its discouragement.

I think the big Muhammadan organisation of whole India is now being formed to get the chance and privilege of such elections and also to become one whole body. I am very much against it, and have refused to join it, though even asked as I think it is a bad policy for the people and the country of India. As to (E) and (F) I quite agree.

IV. (7) I don't think there should be an increase or alteration in the number of members of the Provincial Legislative Council, as it is sufficient as it stands, the reasons of which I have already given.

8. The nomination system is by far the best, but if it is to be elected, it should be elected in the manner as I have described above.

9. I think there ought not to be any fixed rules, as it would involve difficulties and cause dissatisfaction in the different communities. Whatever trouble be taken or justice be done, there will be discontent. So nobody should come to know the numbers except the head of the department who knows full well which interest at which particular time should be paid regard to.

10. The system of election should be done by district boards as already suggested above, added by the municipalities of the divisional headquarters of Commissioners or certain special towns as Amritsar, and let them be formed Provincial electorate body without any distinction of religious or creeds of different classes of people which might again lead to a sort of party feeling and might cause friction between different religions —a thing undesirable.

11. I have already mentioned above that no organisations or panchayats should be allowed to meddle and become electorate bodies, as they are mostly misleading, and the only best method is that of district boards and certain municipalities which should be electorate bodies. In the constitution of such bodies I don't think there is any change necessary in the least to begin with, unless the thing by practice seems to be unworkable. If Muhammadans and Hindus are separated to choose their own representatives and the two become two separate bodies, it would cause a great ill-feeling.

12. I have already suggested the nomination, as I don't find any real or legitimate institution who should be interested to do it unless causing an ill-feeling in the greater population of Muhammadans which are of the old type, being the disciples of certain big Pirs of fame and the numbers of which as a constitution under that one head is far extensive than any so-called Muhammadan associations, and if thus deprived of their rights they are sure to feel it deeply.

13. It will be seen from my introductory remarks that I hate such speeches. They do more harm than good, and the system suggested in the paragraph is far more desirable and useful for the purpose it is meant to serve; as it would do the material good while the former practice is unsuitable which will really be far from good.

14. I think it will be useful to discuss the Budget in the Provincial Legislative Council according to the new above method of Imperial Legislative Council and not like the former system of long speeches.

15. I think in Provincial Council such power of interpellation is entirely unnecessary. It will only give the members power of teasing the officials and giving them unnecessary trouble simply to see their questions and their names published in the press for their notoriety. The provinces being of a comparatively smaller magnitude the well-informed people such as the members of the council practically know all what is going on; because it is unlike the Imperial Legislative Council in which perhaps a member from Madras might like to know something about the Punjab and thus require

a power of the sort to make himself acquainted with the desired information of a province of which he knows very little.

I think in the Provincial Legislative Council such a thing is entirely uncalled for and unnecessary.

The time at my disposal being short, I am sorry that I had to write these views rather in a hurry and thus have not been able to deal with it thoroughly, and the way also of putting it is so good as I could have done it in leisure as I have been lately very busy. I hope my ideas about it will be understood up to the greater extent.

Dated Lahore, 25th November 1907.

From—A. H. Diack, Esq., Settlement Commissioner, Punjab,

To—The Chief Secretary to the Government of the Punjab.

In reply to your letter no. 46, dated 19th October 1907, on the subject of Legislative Councils and proposed Advisory Councils, I give below my answers to the 15 questions appended to your letter. I received your letter on my return from furlough in the beginning of November, and I regret that the time at my disposal for the consideration of the matters dealt with in its enclosures has consequently been too short to permit of my fully working out the suggestions which have occurred to me.

1. I do not clearly understand what "administrative measures and proposals for action" it is proposed to refer to an Imperial Advisory Council, but I presume that they would be only such measures and proposals as would be applicable to India as a whole. Even with this limitation, however, it seems to me that the proposed Imperial Council is open to the criticism that, consisting as it would of a number of non-official members who would be referred to direct by the Governor-General, it would be an attempt to obtain the opinion of a province on a measure without the intervention of the local Government. At present the opinion of a province is obtained by the Government of India by means of a reference to the local Government, which, through its officers consults the people, including the territorial magnates who would under the proposed scheme be members of the Advisory Council. I consider that this, the present system, is a better means of gauging the opinion of a province than the proposed reference to an Imperial Advisory Council would be, and that, if it is proposed to continue it, the reference to the Imperial Advisory Council, be superfluous. It will scarcely be urged that the territorial magnates of a particular province who were on the Imperial Advisory Council would be more likely to give an independent opinion in that position than if they were consulted through the officers of their local Government. For the purpose of ascertaining the opinion of a province, therefore, the proposed Imperial Advisory Council seems to me to be an unnecessary addition to the present machinery. If it is intended to gauge the opinion of India as a whole, without reference to the opinions of its parts—the various provinces—the scheme is likely, considering the heterogeneous composition of the Indian continent, to give a very artificial result. As regards the second object aimed at by scheme, the dissemination of information about the motives and intentions of Government, I consider that this also can be obtained better by publication through the Government of a province than by intimation by the Governor-General direct to six or seven territorial magnates of that province. My conclusion is that an Imperial Advisory Council Committee on the lines sketched would not be of advantage to the country.

2. The proposed Provincial Advisory Council would not be open to the objection taken above. In the case of measures affecting the whole of India it might be made use of, if no Imperial Advisory Council is established, to aid the head of the local Government in asecrtaining, for report to the Government of India, the opinion of his province. On the other hand, it is open to the parallel objection that under the present system all the men of the type who would be appointed to these councils are consulted on matters of either imperial or provincial import, through their district officers, and if it is proposed merely to set aside a few of them, say twenty for the whole of the Punjab, to be consulted direct by His Honour the Lieutenant-Governor, while the remainder and the great mass of the people are consulted (so far as it is possible to consult them) through district officers, it is a duplication of work. But it is no new thing for the head of the province to take opportunities of himself, ascertaining, at the personal interviews he accords to the leading men of the province, their opinions on the measures that are from time to time under the consideration of Government, and he is doubtless helped by these personal inquiries in arriving at an opinion of his own on the report submitted by district officers. So long as the eliciting of opinion through the district officers, who have the best opportunities of all of learning what the people think, is not abandoned, I see no objection to its being supplemented by the formation of a Provincial Advisory Committee such as is proposed. Whether it would be *useful* to formally constitute such a body, instead of leaving the head of the province free to consult personally whomsoever he may wish, is another question, and I am disposed to answer it in the negative. The only advantage that I can see in the former alternative is that it affords a means of

conferring an additional honour on some twenty native gentlemen. From this point of view, if the present proposals do *not* result in an enlargement of the Provincial Legislative Council, the establishment of an Advisory Council for the Punjab is advisable. But if the Provincial Legislative Council is enlarged, the desired opportunity of honouring the native gentlemen of the province whose personal opinions are valued, will be afforded. In the former event I have no modifications to suggest in the proposals made in paragraph 4 of your letter and paragraph 6 of the Government of India letter. For the dissemination of information about the motives and intentions of Government a Provincial Council of this sort might be a useful machinery, but, on the other hand, it would be just as effective to publish, by means of leaflets distributed through the zaildar agency, information of the sort that it is proposed to spread through members of an Advisory Council. It is certainly the case that, although the objects and intentions of Government are abundantly explained in English in official notifications and resolutions, they often escape the notice of even the English reader of the non-official classes, and it is small wonder if, even when they are properly translated and published in the vernacular, they remain quite unknown to the native population whom they chiefly concern.

3. The arguments advanced in the Government of India letter in favour of an enlargement of the Imperial Legislative Council appear to me to be sound, and I have no modifications to suggest in the scheme sketched in the paragraph 12 of the Government of India letter, except such as are indicated in my answers to the next three questions.

4. In regard to the proposals that one of the Punjab Members of the Imperial Legislative Council should be nominated by the non-official members of His Honour the Lieutenant-Governor's Council (either from their own number or from outside the latter council) it is admitted in the Government of India letter that there would be objections to such a course so long as the membership of the latter council is limited as at present. The non-official members at present consist of a Sikh, a Hindu, and a Muhammadan; it would be somewhat invidious to ask them to combine to make a nomination, and if a nomination had to be made it would seem to be best that His Honour the Lieutenant-Governor should make it, selecting the non-official member who had served longest in the council or given the most help in its deliberations. And if the membership of the Punjab Council is increased I think it would be best, for some years at any rate, to follow this course. If the operation of the new rules for increasing the membership of the council result in such a constitution that no objection can be taken to the right of election being conceded to its non-official members, it will be time enough to confer upon them the privilege of nominating one of their number to the Imperial Legislative Council.

5. I approve of the selection of one of the great land-holders of the Punjab to the Imperial Council. I presume that the holder of a large jagir would be regarded as a land-owner for this purpose, and would be eligible, even if his proprietary estate was not a particularly large one. As regards the method of selection, I do not think that a system of election would give satisfactory results in this province. I think I am right in saying that the system of election to local and district boards has been a failure in the Punjab. One reason is the aversion noticed at the end of paragraph 17 of the Government of India letter, of Indian gentlemen to come forward as candidates and risk the indignity of defeat by a rival candidate. If this aversion has been strong on the part of men of the class expected to serve as members of district boards it would probably be much stronger on the part of great land-holders such as it is desirable to ask to serve on the Imperial Council. Also, with the heterogeneous electorate which the Punjab would afford, it would be difficult to ensure that different interests—Sikh, Rajput, Biloch, Punjabi Muhammadans of the north-west, and Hindus of the south-east, to take a few instances—should be in turn represented. The same objections would apply to the second suggestion of the Government of India, that the land-holding members of the Lieutenant-Governor's Council should nominate either one of their number or another great land-holder of the province to the Imperial Council, though if a scheme is adopted of the nature suggested in my ninth answer below, it might be possible to adopt this suggestion. I think, however, that the third suggestion in the Government of India letter is the best one at the present stage of Punjab progress, and that the land-holding member of the Imperial Council should be nominated by His Honour the Lieutenant-Governor. If, however, it should be decided to resort to election, the electorate should be framed so as to give each of the great interests—a few of which I have named above—an equal chance of being represented, or at any rate a chance which should depend not on the total number of *great* land-holders belonging to it, but on the total population pertaining to it, or on its influence in the province.

6. I approve of the proposed appointment of four Muhammadans to the Imperial Council, of whom two should be nominated by His Excellency the Viceroy as proposed in paragraphs 12 (2) E and 18 of the Government of India letter. I agree that the other two should be appointed in rotation from the six provinces in which the Muhammadan population is considerable, as proposed in paragraph 18 of the Government of India letter. And when the turn of the Punjab comes to depute a Muhammadan member, I would, for the reason already given against the elective system in the Punjab, leave him to be nominated by His Honour the Lieutenant-Governor. If the

selection *has* to be left to an electorate, the best would be, I consider, that composed of the Muhammadan non-official members of the Lieutenant-Governor's Council.

7. For the reason given in my answer to the second question—the desirability of adding to the number of native gentlemen who are honoured by being admitted to the councils of Government—I approve of the proposal to increase the present number of members of the Provincial Council. Considering the limitations under which the council works as regards its power to alter the bills that come before it, I do not think that there is any other reason for an increase. The figure must depend, as pointed out in the Government of India letter, on the number of official members who can be appointed without inconvenience to the proper discharge of their official duties, and on this point, therefore, I cannot offer an opinion, though I shall indicate below the number of interests that I think should be represented by non-official members.

8. I would maintain the present system of nomination. For the reasons given above, I consider the elective system unsuited to the Punjab.

9. I advocate a fixed rule determining the proportion of seats to be allotted to each class on the ground that it is desirable that the people of the province should know the principles on which appointments to the council are made. At the same time the rule should not be a rigid one, as it is unfortunately the case that the classes which should be represented cannot always furnish suitable representatives. It might be announced that a certain scheme (to be published) has been framed for the appointment of non-official members to the council and will be adhered to as far as possible, but a rigid adherence to it cannot always be promised. The following is the scheme of representation which I would propose:—The number of non-official members should be 8, *viz.*, one for each division, two for the Native States in the province, and one to represent the European non-official community. The members for the Rawalpindi and Multan divisions should be Muhammadans, and one Sikh member should be drawn from either the Lahore or the Jullundur division. If neither of the members representing Native States is a Sikh, the Lahore and Jullundur divisions should each contribute a Sikh, but if one of the Native State members is a Sikh, then of those two divisions the one from which the Sikh member is not drawn should contribute either a Hindu or a Muhammadan, according as the second Native State member is a Muhammadan or a Hindu. The member for the Delhi division should ordinarily be a Hindu, but might be a Muhammadan instead, if in the hypothesis stated at the end of the last sentence the best man available in the Lahore or Jullundur division, from which in that hypothesis a Muhammadan would be drawn is a Hindu and not a Muhammadan. The Native State members should be drawn from among either the ruling Chiefs themselves, or their families, or, with their consent, their sardars. The field of choice here would ordinarily be more limited than in a Punjab division, and hence the necessity for the adjustment which I have suggested between the Lahore, Jullundur, and Delhi divisions. For one of these divisions a Native Christian might occasionally be found to be a better representative than a Sikh or a Hindu or a Muhammadan, and might take the place of the representative of one of these divisions. There might be a similar substitution for the Muhammadan member for the Rawalpindi or Multan division, provided that not more than one Native Christian is in the council at one time. The scheme may be presented in the following statement:—

Division.	Religion.				
	A	B	C	D	E
Rawalpindi	1 Muhammadan*	1 Muhammadan*	1 Muhammadan	1 Muhammadan	1 Muhammadan.
Multan	1 Muhammadan*	1 Muhammadan*	1 Muhammadan	1 Muhammadan	1 Muhammadan.
Native States	1 Sikh	1 Sikh	1 Sikh	1 Sikh	1 Hindu.
	1 Hindu	1 Hindu	1 Hindu	1 Muhammadan	1 Muhammadan.
Lahore	1 Sikh	1 Sikh	1 Sikh	1 Native Christain.	1 Sikh.
Jullunder	1 Muhammadan	1 Hindu	1 Native Christian.	1 Hindu	1 Sikh.
Delhi	1 Hindu	1 Muhammadan	1 Hindu	1 Hindu	1 Hindu.
All Divisions	1 European	1 European	1 European	1 European	1 European.

*On occasion, a Native Christian may be substituted for the Muhammadan member for one of these two division.

10. If it is decided to resort to election for the appointment of non-official members of the Provincial Council, the non-official members of district boards would form as suitable an electorate as any. I do not thing that non-official municipal commissioners are generally of such a standing as should be included in the electorate; those of them who are of a suitable position and influence would ordinarily be members of the district board. If the scheme I have suggested above were adopted the five members representing the five divisions would be elected and the other three would be nominated.

11. The separate representation of classes on the Provincial Council, which I have recommended in my ninth answer, would be best carried out in my opinion by nomination by the Lieutenant-Governor, and not by election. If election is resorted to, however, the suggestion which I have made in my tenth answer is in accordance with paragraph 22 (*b*) of the Government of India letter, except that in this province it would probably be necessary to supplement the electorate composed of district board members by other electors nominated after reference to *anjumans* and *panchayats*. Time does not permit of examining the constitution of the various district boards in the province to see whether any changes would be required to ensure the non-official members forming a suitable electorate. My general impression is that they would be suitable as they are, but if it is decided to have recourse to election the constitution of the boards should certainly be brought under scrutiny.

12. The scheme which I have suggested in my ninth answer would afford adequate representation of the Muhammadans of the province on the Provincial Council. Any system of election by members of district boards would probably have a similar effect. I do not think any further or alternate measure is required to secure their due representation in the Punjab, and the elective scheme suggested in paragraph 17 of the Government of India letter appears to me to be inferior to a system of election by members of district boards.

13. The alteration in the system of discussing the Budget in the Imperial Council suggested in paragraph 23 of the Government of India letter appears to me to be suitable.

14. I am strongly of opinion that more publicity should be given to the Provincial Budget than it receives at present. I believe that I am not far wrong in saying that the majority of officials as well as non-officials know very little about the financial arrangements between the Imperial and the local Government, and the distribution for expenditure of provincial revenues over the various heads. I therefore welcome the proposal to bring the Provincial Budget before the Provincial Council, and I see no objection to its being discussed in the manner proposed in paragraph 23 of the Government of India letter.

15. The manner in which the power of interpellation has been exercised in the Imperial Council leads me to the conclusion that its introduction into the Provincial Council would be a mere waste of time.

A. H. DIACK,

Settlement Commissioner, Punjab.

No. 587, dated Lahore, 20th December 1907.

From—R. E. Younghusband, Esq., Commissioner, Lahore Division,

To—The Chief Secretary to the Government of the Punjab.

As requested in your letter no. 2643-S. (Home-Legislative), dated 27th September 1907, I have the honour to forward herewith my opinion in the form desired, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters, together with the six letters marginally noted, with their enclosures in original, from the Deputy Commissioners of this Division.

Montgomery, no. 383, dated 28th October 1907.
Lahore, no. 807-C, dated 6th December 1907.
Amritsar, no. 461, dated 7th December 1907.
Gurdaspur, no. 305, dated 7th December 1907.
Sialkot, no. 361, dated 3rd December 1907.
Gujranwala, no. 2858, dated 15th December 1907.

R. E. YOUNGHUSBAND,

Commissioner, Lahore Division.

OPINION.

I. (1) The proposed appointment of an Imperial Advisory Council has on the whole met with general acceptance from those who have been consulted, but many of the more thoughtful consider that it will be of doubtful utility, and I personally share

this opinion. It is no doubt most desirable that the Viceroy should be able to ascertain the opinions of the hereditary leaders of the people on measures which are in contemplation, but there are other methods of doing this; and I venture to think that it will be vain to hope that an Advisory Council will be of much use in diffusing correct information in regard to the acts and intentions of Government. In this province, at all events, they are extremely few territorial magnates whose influence extends beyond a small sub-division of their own district, and we must in my opinion look to the committees and councils of smaller areas for this purpose.

Among the opinions received, there is a good deal of criticism of the proposed constitution of the council. While some critics object the presence of ruling Chiefs on the council others advocate the inclusion in it of representatives of industry, commerce, the learned professions, and so forth. Others again urge that some at all events of the members should be elected. For my own part, I agree with Colonel Parsons in thinking that more use might be made of our native officials, both as exponents of popular feeling and as disseminators of the views of Government. I by no means go so far as Colonel Parsons in thinking that we should depend on our native officials to the exclusion of non-officials for this purpose, but I think that if an Imperial Advisory Council is formed, it will be strengthened by the inclusion in it of a fair proportion of native officials, and I think that it would be unwise to debar classes other than the land-owning class from finding a seat on it. I invite attention to Sir David Masson's suggestion that in any formal announcement which may be made of the formation of the council, it should be stated that only those ruling Chiefs and territorial magnates will find a place on it who have administered their own estates successfully. It seems to me that this might have been taken for granted, but perhaps he is right in thinking that an announcement of the kind will forestall captious criticism.

II. (2) The proposal to form a Provincial Advisory Council has met with very general support, partly, I think, because the constitution proposed is such that a large number of those who have been consulted may hope to find a place on it. For instance, Mr. Sykes writes that appointments to this council will be much coveted, especially if the appointment carries the right to a seat in the Provincial Darbar. People hardly seem to realise that unless the council is to be so large as to be unwieldy, there will be less than one member on an average for each district, and only the very foremost men can hope to find a seat on it.

My own opinion is that in the Punjab, at all events, there is no real necessity for an Advisory Council. The Lieutenant-Governor is accessible to and admits to interviews with him a far larger number of native gentlemen of influence and position than he could find room for on a council, and he is in touch with representatives of all classes of the people. If it is decided to appoint a Provincial Council, I have no remarks to offer on the proposed constitution, except to repeat the suggestion which I have made in the case of the Imperial Council that it should contain a fair proportion of native officials.

III. (3) The reason given for proposing an enlargement of the Legislative Council of the Government of India is that under the present system seats on the council have been very much monopolised by lawyers and school-masters, while the land-holding interests have been insufficiently represented. The proposed enlargement of the council will entail a considerable expense in the payment of salaries of a large number of additional official members; it will also entail very considerable inconvenience in the temporary withdrawal of those officials from their regular duties; and the additional time which will be spent in debate will be a severe tax upon the Viceroy and upon the members of his Executive Council. It is for the Government of India to say whether these drawbacks will be compensated by the advantages to be gained from the proposed enlargement; or whether a smaller number than 54 will not meet the necessaries of the case.

If it is decided to enlarge the council to 54, the proposed classification of members (with some alterations) will no doubt be necessary. But if the Government of India is content to a somewhat smaller council, this elaborate classification will in my opinion be unnecessary.

It will be sufficient to prescribe a constitution of (*a*) so many members elected from or deputed from the Provincial Legislative Councils, and (*b*) so many members nominated by the Viceroy. This will enable Government to nominate members of those classes which are inadequately represented among the members deputed from Provincial Councils. I invite attention to the criticisms which have been directed to the reservation of a seat for a ruling Chief. Ruling Chiefs have in the past been nominated to the council without unfriendly comment, and at the present moment a seat on it is filled by the son of a ruling Chief. But there is a good deal of difference between the casual appointment of a ruling Chief to the council and the express recognition by law of the right of ruling Chief to sit on it. The council has no authority to pass laws for the territories of ruling Chiefs and there is a good deal to be said for the contention that a seat on it should not be expressly reserved for ruling Chiefs.

For my own part, I hope that the suggestion to increase the number of elected seats from 5 to 18 will be carried out. Although many of those who have been consulted

support and wish to extend the principle of election, I am convinced that in many cases this is because they think that representation by election is looked upon as the mark of an "advanced" community. Even in the Punjab Government letter the doubt is expressed whether the Province is yet sufficiently advanced for the introduction of a system of election for the Legislative Council. I venture with all deference to submit that this is not the right way of looking at the "question." We all hope for and work for the advancement and progress of the country but does that necessarily imply an ideal of representation by election? I venture to think that it does not, and that the progress and advancement of the country can best be attained without government by elected representatives. There is much in the opinions now forwarded to show that our English system of elections is foreign to the traditions and genius of the people of this country. We all know that the system of election which has been introduced into our municipal committees and district boards in this Province, at all events, has been an egregious failure. In the municipality of Lahore itself, which might be expected to set an example to the rest of the Province, the purchase of votes and the personation of voters is notoriously a universal practice. Even in the elections for the Imperial Legislative Council, it is admitted that the system of election has not been a success, and the whole tenor of the Government of India letter supports my contention that a system of election is not suited to the people of this country. For these reasons I venture to deprecate very strongly the increase in the number of elected members now proposed. In particular, I would urge that if classes (*c*), (*d*), and (*e*) of group D in paragraph 12 of the Government of India letter are retained, the members chosen to represent this Province should be nominated not elected. The nominations which have been hitherto made from the Punjab have not, so far as I am aware, been considered inappropriate, and I would continue the same system.

I will offer some further remarks on groups D (*d*) and E in my answer to question 6, and will only note here the opinion of local commercial men that their interests are not sufficiently represented by the election of 2 members by the Chambers of Commerce of Madras and Bombay.

III. (4) For reasons already given I think that the member to be deputed from the Provincial Legislative Council should be nominated, not deputed, except in those provinces in which the non-official members of the Provincial Legislative Council have hitherto been in the habit of electing a member for the Imperial Council.

IV. (5) If it is decided that the Legislative Council is to be constituted in the manner described in the Government of India letter, I think that the land-owner who is to be appointed from the Punjab should be nominated not elected. The opinions now forwarded show the difficulties which would attend any system of election. I cannot suggest any satisfactory method of election.

(6) The proposed reservation of 4 seats on the council—2 nominated and 2 elected—for Muhammadans has evoked a good deal of feeling. Many Muhammadans protest that 4 seats are not enough for them, and there is this to be said for their protest that if a special number of seats is to be reserved for Muhammadans, there will be a very natural feeling that they will have no right to any of the other seats. On the other hand, Hindus and Sikhs protest strongly against the special reservation of any seats for Muhammadans while the Sikhs and some Hindus urge that if some seats are to be reserved for Muhammadans other seats ought to be reserved for Sikhs. For myself, I feel very strongly that the special reservation of seats for Muhammadans (or, indeed, for any other class or religion) will engender strife, not peace. If the Viceroy is left absolutely free to make his own nominations, he will be able to secure the appointment of representatives of minorities or of special interests in the most appropriate way. In any case I would deprecate the creation of a special electorate such as that described in paragraph 18 of the Government of India letter.

(7) In the case of Provincial Legislative Councils the reason for proposing an enlargment is in order to give the widest possible representation to different classes, races, and interests, and it is apparently considered that the existing system does not allow for this in the case of those provinces in which most of the non-official members are elected. But where, as in the Punjab, all the non-official members are nominated, I venture to think that before enlarging the council or changing the present system, it is very desirable to consider whether under the present system the different classes, races, and interests of the province are fairly represented on it. I would submit that the analysis of the religions and occupations of the nominated members of the Punjab Council which is contained in paragraph 8 of the Punjab Council shows that the various classes and interests of the Province have been fairly represented on it; and if this is the case, I would strongly deprecate the suggestion of change for no real advantage. I fully admit that there is a real advantage in admitting as many natives of the Province as is compatible with practical efficiency to a share in the administration; but it must be remembered that there is really very little work for the Punjab Legislative Council to do, and it is a question whether the enlargement of the council would not be a hindrance rather than a help to the administration. It seems to me therefore that the Punjab Government is the only authority which can give a valuable opinion in regard to the possible enlargement of the local council. If any change is to be made, I

would suggest that all that is required is that the maximum number of seats should be increased from 9 to, say, 15 or 20. It would then be possible for the Lieutenant-Governor from time to time to appoint as many non-official members as he finds it practicable to put on the council.

(8) For reasons already given in my answer to question 3, I would strongly deprecate the introduction of any system of election to seats on the Provincial Council, and in this opinion I am supported by a large number of those who have been consulted.

(9) The answers received to this question vary. The greater number of those consulted suggest a classification by religions, and if there is to be any classification this is the only one possible. I agree with the large minority which thinks that any hard-and-fast classification would be a mistake, and that the Lieutenant-Governor should be left unfettered to make his own nominations. If any classification is decided upon, the request of the commercial members for a special representative should receive consideration. If it were decided to adopt the principle of election, some division into classes would probably be necessary, but I am unable to suggest any suitable division.

(10) Opinions are almost unanimous in rejecting the proposal that district boards and municipal committees should form the electorate for the Provincial Council. If election is resorted to, a special electorate will have to be created, and this of itself is sufficient to condemn the proposal to introduce election into the Punjab.

(11) I agree in the general opinion that the proposals made in paragraph 22 (*b*) of the Government of India letter are not suited to the Punjab. As regards municipal and district boards the feeling is that, if their constitution is to be altered, the question should be considered as a separate one, and that they should not be considered in the light of electoral units for the Legislative Council.

(12) I advocate leaving the Lieutenant-Governor a free hand to make his own nominations. There will then be every reason to believe that, as has been the case in the past, so in the future all classes and interests will be adequately represented. If on the other hand there is to be a fixed number of seats allotted to each class, the almost universal opinion is that the classification should be by religions: in that case the Muhammadans will have a fixed number of seats reserved for them. In any case, if it is thought necessary to adopt special measures to secure the adequate representation of Muhammadans, it will also be necessary in this Province to adopt special measures to ensure the adequate representation of Sikhs.

V. (13) The defects, the unreality, the waste of time of the present Budget debates, are admitted by Government. For this reason perhaps the great majority of those who have been consulted welcome the proposed change. But I doubt very much if they realise what this will involve. My own feeling is that if the proposed changes are introduced, there will be a very much greater waste of time than at present with the same infructuous result.

(14) The greater number of those consulted answer this question in the affirmative. Some say yes, but not by separate heads. Would it then be wise to introduce into the Provincial Council a system which in the case of the Imperial Council has admittedly proved a failure? On the other hand, I doubt whether those who advocate discussion by separate heads have fully realised the amount of time which this will involve. I would deprecate the introduction of any debate on the Budget in the Provincial Council until a fairly workable system has been devised and tested by experience in the Imperial Council.

(15) Nearly all the non-officials who have been consulted answer this question in the affirmative. A few non-officials and several officials consider that the power of interpellation might embarrass Government. I think that so long as the constitution of the Provincial Council remains unchanged, its members may safely be trusted with the power of interpellation, and that this power, if exercised in moderation as there seems reason to think that it will be, should prove an advantage rather than an embarrassment to the administration.

R. E. YOUNGHUSBAND,

Commissioner, Lahore Division.

No. 383, dated 28th October 1907.

From—CAPTAIN C. H. BUCK, Officiating Deputy Commissioner, Montgomery,

To—The Commissioner, Lahore Division.

With reference to your circular no. 233, dated 5th October 1907, I have the honour to forward the opinions of the following gentlemen:—

Lala Bishen Das, Extra Assistant Commissioner, Revenue Assistant,
Lala Radha Kishen, Pleader and Vice-President, Municipal Committee, Montgomery,
Kamir, zaildar and zamindar of Mehrpur,
Muhammad Amin Khan, Honorary Magistrate and zamindar,

and also my own.

2. I have discussed the matter verbally with several other gentlemen, and the general opinion is that the Advisory Councils will be useful institutions, the number of members on Legislative Councils should be increased (the number of official and non-official members being equal), non-official members of Legislative Councils should be nominated (or at any rate selected out of lists voted by district boards and municipal committees somewhat on the lines sketched by me in clause IV (8) of my opinion), the proceedings of Advisory Councils should not be kept confidential. It is generally agreed that elections on any large scale would be objectionable and lead to a great deal of friction.

The principal zamindars in this district consider that the number of Muhamadan members on the Punjab Legislative Council should be half the total number of non-official members.

C. H. BUCK, *Captain*,

Offg. Deputy Commissioner, Montgomery.

Opinion of Captain C. H. Buck, Officiating Deputy Commissioner, Montgomery.

I. (1) *Imperial Advisory Council.*—I consider that such a council would be useful, and I agree with the proposals in paragraph 5 of the Government of India letter.

II. (2) *Provincial Advisory Councils.*—I think that such a council would be of use. I consider that it should consist of (*a*) the Provincial members of the Imperial Advisory Council, the non-official members of the Provincial Legislative Council, ten other members selected from the list resulting from the elections mentioned in IV (8) below, and two or more specially selected members.

III. (3) *Imperial Legislative Council.*—I approve of an enlargement on the lines laid down in paragraph 12 of the Government of India letter, except that I would omit clause (*d*) in (2) D and the words "not less than two to be Muhammadans" in E.

(4) I approve of this proposal.

(5) I approve of selection by nomination.

(6) No. It seems to me that if Muhammadans are in the minority among those elected they can be appointed under clause E.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I would advocate an increase to ten official and ten non-official members, with the Lieutenant-Governor as President, total 21.

(8) I would suggest that the non-official members be obtained as follows:—

They should consist of—

(*a*) 5 Agriculturists (4 being Muhammadans and 1 Sikh).

(*b*) 2 Lawyers (1 being Hindu and 1 Muhammadan).

(*c*) 1 Merchant, banker, or tradesman (Hindu or Sikh).

(*d*) 1 Representative of an Industry (Hindu or Sikh).

(*e*) 1 Graduate of the Punjab University.

As regards (*a*) an election should be held among the members of each district board and each board should send up the names of 4 Muhammadans and 1 Sikh. The names need not necessarily be those of gentlemen residing in the district concerned, but should be those of any land-owner in the Punjab. From the list thus obtained Government should select 4 Muhammadans and 1 Sikh.

For (*b*) 3 Muhammadans and 3 Hindus should be elected by vote among advocates of the Chief Court of 5 years' standing and 1st grade pleaders of 5 years' standing (shown in the Civil List as practising in the Punjab), and from this list 1 Muhammadan and 1 Hindu should be selected by Government.

For (*c*) and (*d*) elections should be held among the members of the 1st class municipalities, each committee sending up 1 name for (*c*) and 1 name for (*d*); Government should then select from the list so formed.

For (*e*) two names to be voted by Fellows of the Punjab University and a selection made by Government.

The appointments should be for five years and in case of a vacancy occurring in the interval Government would select a fresh member from the original list to act for the remaining portion of the quinquennial period.

(9) to (10) See (8).

(11) I would not advocate any change in existing arrangements for the constitution of district boards and municipal committees.

(12) See (8).

V. (13) *Discussion of the Budget.*—I approve of the suggestion.

(14) Yes, by separate heads.

(15) Yes.

C. H. BUCK, *Captain,*

Offg. Deputy Commissioner, Montgomery.

Replies of Lala Bishen Das, Extra Assistant Commissioner, Revenue Assistant.

I. (1) *Imperial Advisory Council.*—I consider that such a council would be of service to the country and approve of the suggestions in paragraph 5 regarding its constitution and duties except that the period should be for three years only.

II. (2) *Provincial Advisory Councils.*- I think that such a council would be useful, but would suggest the selection of one member from each district.

III. (3) to (4) *Imperial Legislative Council.*—I approve of the scheme sketched out by Government, but would suggest the appointment of one member from the Sikh community.

(5) I approve of the proposal, but would appoint members by nomination and not by election.

(6) I approve. I would suggest that the members be elected as follows:—

One by Muhammadan non-official members of the Provincial Council.

One by Muhammadan Fellows of the local University.

IV. (7) *The Provincial Legislative Council in the Punjab.*—Yes, to 6 official and 6 non-official members.

(8) As below.

(9) Non-officials to consist of 2 Hindus, 1 Sikh, 2 Muhammadans, and 1 European or Eurasian.

Of the above 1 Hindu and 1 Muhammadan to be elected respectively by the Hindu and Muhammadan Fellows of the Punjab University; the remainder to be nominated by Government.

(10) As in (9).

(11) As in (9).

(12) As in (9).

V. (13) *Discussion of the Budget.*—Should be altered as suggested.

(14) Yes, by separate heads.

(15) Yes.

BISHEN DAS,

Extra Assistant Commissioner, Revenue Assistant.

Replies of Lala Radha Kishen, Pleader, Vice-President, Montgomery Municipal Committee.

I. (1) *Imperial Advisory Council.*—I consider that such a council would be of service. I approve of the suggestions in paragraph 5, but consider (*a*) that the Council should contain one representative from each Revenue Division throughout India in addition to ruling Chiefs, (*b*) that the proceedings should not be confidential but be published, as this would prevent any member giving interested advice, and (*c*) that the period should not be more than 3 years.

II. (2) *Provincial Advisory Councils.*—I think such a council would be useful, but would suggest that it should contain one member from each district and such others as Government may select.

III. (3) to (6) *Imperial Legislative Council.*—I consider that the council should be enlarged, and approve of the arrangement suggested in paragraph 12 of the Government letter except that I do not see why Muhammadans should be specially represented under D (*d*), and think that the words "not less than two to be Muhammadans" might be omitted in E.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I consider the number should be augmented—9 official and 9 non-official.

(8) Of the non-official members, I would suggest that 4 be nominated and 5 be elected.

(9) No representation of classes.

(10) I would suggest as an electorate persons paying Rs. 500 or more land revenue, Rs. 35 or more income-tax, and graduates of 5 years' standing or over.

(11) See (9).

(12) I do not think provision should be made.

V. (13) *Discussion of the Budget.*—Yes.

(14) Yes, by separate heads.

(15) Yes.

RADHA KISHEN,

Pleader, Vice-President, Montgomery Municipal Committee.

Replies of Muhammad Amin Khan, Honorary Magistrate and Zamindar.

I. (1) *Imperial Advisory Council.*—Yes, but regarding paragraph 5 (3) that one member be nominated from each Revenue Division and regarding paragraph 5 (7) that the proceedings be not confidential.

II. (2) *Provincial Advisory Councils.*—Yes. I would increase the number and obtain one member from each district by nomination.

III. (3) to (6) *Imperial Legislative Council.*—I agree to all in paragraph 12, but consider that all should be appointed and none elected.

IV. (7) to (12) *The Provincial Legislative Council in the Punjab.*—It should be increased to 10 official and 10 non-official members. The non-official members to be half Muhammadans and the remainder Hindu or Sikh. To be elected by district boards and municipal committees and then selections made by Government.

District boards and municipal committees to consist of half Muhammadans and half Hindus (including Sikhs) in every district.

V. (13) *Discussion of the Budget.*—Yes.

(14) Yes, by separate heads.

(15) Yes.

MUHAMMAD AMIN KHAN,

Honorary Magistrate and Zamindar.

Replies of Kamir, Zaildar and Zamindar of Mehrpur.

I. (1) *Imperial Advisory Council.*—Yes, but regarding paragraph 5 (3) I would suggest that one member be nominated from each district; (6) and (7) nothing should be confidential.

II. (2) *Provincial Advisory Councils.*—Yes, but would suggest one member from each district by nomination.

III. (3) to (6) I approve of all the suggestions in paragraph 12 of the Government letter, but consider that all members should be nominated.

IV. (7) *The Provincial Legislative Council in the Punjab.*—Yes, I would suggest that two persons be obtained from each division.

(8) I would allow election by the members of municipal committees and district boards and suggest that Government select from the names sent in.

(9) I would suggest that the non-official members be half Muhammadans and the other half consist of Hindus, including Sikhs.

(10) See (8).

(11) I suggest that the members of district boards be appointed by classes in proportion to numbers as shown by the census, Hindus, Sikhs, and Muhammadans being taken as classes; that members for municipal committees be elected, the classes being fixed as above.

(12) No opinion.

V. (13) *Discussion of the Budget.*—Yes.

(14) Yes, by separate heads.

(15) Yes.

KAMIR,

Zaildar and Zamindar of Mehrpur.

No. 807-C., dated Lahore, 6th December 1907.

From—LIEUTENANT-COLONEL C. G. PARSONS, I.A., Deputy Commissioner, Lahore,

To—The Commissioner, Lahore Divison.

Referring to your endorsement* marginally cited inviting opinions on the scheme for Advisory Councils, I have the honour to forward my own opinion and the opinions (in original) of the marginally† noted bodies or persons of which Mr. Wilson, Assistant Commissioner, has in each case given a brief *précis* on a covering leaf showing the trend of the opinion.

*No. 233, dated 5th October 1907.

†
1. Rai Sahib K. B. Thapar, Lahore.
2. E. W. Parker, Esq., Advocate, Lahore.
3. Mian Muhammad Shah Din, K. B., Barrister-at-Law, Lahore.
4. Bhai Gurdit Singh, Lahore.
5. Rai Sahib Tilok Chand, Sub-Divisional Officer, Kasur.
6. M. Abdul Aziz, Editor, *The Observer*, Lahore.
7. Mian Muhammad Shafi, Barrister-at-Law, Lahore.
8. Lala Ram Sarn Das of R. B. Mela Ram & Sons, Lahore.
9. Lala Harkishen Lal, Barrister-at-Law, Lahore.
10. Lala Lal Chand, Pleader, Chief Court, Punjab, Lahore.
11. Nawab Fateh Ali Khan, C.I.E., Lahore.
12. The President, Anjuman Islamia, Punjab, Lahore.
13. Sir David Masson, C.I.E., Lahore.
14. Lala Narinjan Das, Judge, Small Cause Court, Lahore.
15. Punjab Chamber of Commerce, Lahore.
16. Punjab Hindu Sabha, Lahore.
17. Rai Sahib Mohan Lal, Lahore.
18. Secretary, Punjab Trades Association, Lahore.

2. As to the general trend of the educated public opinion, I have discussed that in my "general opinion" which is of greater depth, as you will see, than my brief replies to the categorical questions.

C. G. PARSONS, *Lieut.-Colonel,*

Deputy Commissioner, Lahore.

OPINION.

The retrospect in paragraph 4 is of the traditional council of diwans, wazirs, and other "pillars of the State" summoned by an oriental monarch whenever he wished to take advice. Such conferences or deliberations in councils were undoubtedly common, but attended probably for the most part by high State officials and persons whom from their known allegiance the monarch had placed in positions of trust. That persons outside such officialdom were on special occasions admitted to such conferences is possible, but more generally probably for examination or on their defence. At any rate there were probably no persons appointed as councillors pure and simple without any other office. Thus when it is said that the sovereign made it his business to consult competent advisers, and that therefore the scheme for an Imperial Advisory Council would be no innovation in principle, it might be replied, and with truth, that there would be no innovation in such a sovereign occasionally summoning to Advisory Councils a selection of officials called from all or any parts of the country, since these were his natural advisers, but that there would be novelty in the idea of appointing a body of non-officials to be "Advisory Councillors" and nothing else, who should be so summoned on occasions. In considering the scheme the question might be put by a living oriental ruler. "Why does not the Viceroy summon his officials to advise him instead of looking beyond these to non-officials? Are the non-officials more reliable

and more capable of advice than the officials?" To a reply that Indian advice was more particularly aimed at, his rejoinder might be "Then why not summon selected Indian officials?" I say these might and probably would be the instinctive first questions of the ruler of an Indian State who had the traditional point in question put to him. But to the last imaginary question above the educated Indian who studies administration would at once give the answer "Because there are few, if any, Indian executive officials of high enough position to be admitted into oral council by the Viceroy with propriety." This I take it is the crux of the situation which has created the present correspondence, and the argument of a dissatisfied educated Indian of moderate views would be that there should be and ought to be sufficiency of such Indian officials. The argument of a dissatisfied educated Indian of extremer views would be that there should be plenty of them to pick and choose from all over the country. It is desirable to pause for a moment and reflect whether just as 2 Indian officials* and not non-officials have been admitted to the India Office Council at London, there are or are not a sufficiency of Indian officials of high enough position in the country at present, for the purposes at issue. Without the different provincial lists at hand for reference review is difficult, but it immediately occurs to one that there are a number of High Court or Chief Court Judges and of senior Indian Civilians in the executive and judicial lines, and that every year there are Indian recruits added to the latter lines, who in course of time obtain position and experience. The question therefore arises: "Why cannot occasional Advisory Councils be assembled from these?" It has been premised that such occasional assemblings would occur only for the discussion of questions of moment and for shaping the action of Government when any particular high affair of State attracting unusual interest was under contemplation, and I take it that such assemblings would be most called for and appropriate when racial aspects coloured any such high affair in issue, or when intimate knowledge of or advice upon Indian life and thought was a necessary preliminary to a decision. There would be nothing surprising in the Viceroy summoning to council chosen Indian officials from different provinces to tender their views and advice upon subjects such as these. What perhaps seems surprising is that while the present schemes contemplate summoning non-officials to such councils, this is so seldom if ever done in the case of officials. At least it is never regularly done except in the fashion provided by the Indian Councils Acts in respect of the Viceroy's Legislative Council, and this under the present correspondence is condemned as too limited and inadequate a practice. The Viceroy never or hardly ever says or occasions of moment that he will have a council and will call to it from all or any provinces such Indian officials as he wishes or thinks could aid him, and after examining them and ascertaining their views send them away back to their duties. It is incontestable that calling such conferences would be of immense value, yet it is hardly if ever done. Why it is never done, it is perhaps not for me to attempt to say, but among other reasons I presume that disciplinary considerations have had much force in suppressing the operation of any such inclinations, since it might be contended that to call junior Indian officers from different provinces into council with the Viceroy would be a slight to local Governments; and yet just as it proposed that the proposed Advisory Councils might be arranged with due regard to provincial prestige and considerations of etiquette, any such difficulty in calling up officials might easily be accommodated by, for instance, such expedients as the summonses to the officials emanating through and from the provincial Governors on the Viceroy's behalf.

* Said Husain Belgrami is an official (or was) of a State.

It seems to me obvious that before you consult non-officials on matters of State you should consult officials, the former only being consulted with directly (as distinct from being freely heard in deputation or by other form of articulation) should the latter prove unworthy.

I would ask what a district officer does when a measure of moment, particularly one affecting Indian life and thought, is under contemplation. He summonses subordinate Indian officials in the first place, and consults with them and ascertains as far as possible through them what public thought and feeling would be. If he cannot get all he wants to know from them, he summons private individuals and examines them; and it is certain that if he wishes he will accurately feel the pulse of his district on any given subject.

Is it impossible for the Viceroy or for a Provincial Governor to do the same? I cannot see how that can be given a matter of moment requiring diagnosis from the point of view of Indian thought and life, and it seems to me that the Viceroy or the Governor can as well say "I will have such and such an Indian official from here and such and such a one from there, and will collect a body of these officials for the occasion to enlighten me in the matter; and if I do not get all I want to know from them I will have up knowledgeable private persons to further enlighten me, such as may be chosen as likely (if likely ones are unknown to me myself) by my Lieutenant-Governors or my district officers (as the case may be)." In fact I do not see why the Viceroy or the Governor should not act precisely as a district officer would, albeit from his loftier platform: and speaking with all deference and earnestness, I submit that the present correspondence shows that while it is within district officers' knowledge that many Governors and Lieutenant-Governors (although not to the extent that I contemplate in my present remarks) have acted like this, the Viceroy for the time being has less and less acted like this in proportion as the increasing congregation of bureaux and

departmental encirclement at Calcutta and Simla has intervened between his direct touch with or opportunity for consulting Indian officials at any rate in the body. Before the environment of departmental offices became so pressing and complicated, to act as a district officer would, was obviously much more possible, and such action was I imagine not uncommon with the Viceroys like Lord Mayo and Viceroys earlier than he, but I submit that what may be called the elaborations of bureaux and their environment have had a tendency to frustrate the simple methods of conference and interview which presented themselves as easy at an earlier time. I may be considered presumptuous perhaps in saying this, but with a full consciousness of this and speaking in a spirit of real deference, I repeat that the present correspondence shows this on the face of it. And having ventured to say so much I must also submit that the elaboration of bureaux and the crush of business which they entail upon a Viceroy present entanglements, an escape from which is necessary to gain, or regain, lost touch with Indian officials and through them with the people. I expressly say Indian officials of course owing to the context; the Viceroy being in close touch with officials enough. But generally speaking they are English officials, and a dissatisfied educated Indian would exclaim that he is surrounded with a quick set ledge of these: an exaggeration which would serve to point the remarks I make.

To put my case briefly, the present correspondence shows that Indian opinion, life, and thought is not considered to be sufficiently reached, and it is suggested that bodies of Indian non-officials should be summoned to advise the Viceroy. The point I wish to make is, and the question I wish to ask is, whether bodies of Indian officials are summoned to advise the Viceroy. To this I unhesitatingly answer in the negative: absolutely in the negative in the same sense I mean, and to the extent which in the present correspondence it is proposed to summon non-officials. The obvious question that occurs to me is "Why not try the officials first?"

The opinion of the youngest and most inexperienced Indian official upon questions or policies affecting Indian life and thought is often of more value than that of the generality of highly placed English officials. Therefore the absence of any highly placed Indian officials in a province, if this happened, need not necessarily preclude summonses to members of such a province; and the going behind senior English officials to consult junior Indian ones would, in the light of the context, be reasonable and intelligible, just as when the Officer Commanding an Indian regiment pushes through his staff of English officers to consult with his Indian officers on matters intimately concerning the life and thought of the men of the regiment.

There is a passage in the preamble of Sir Harold Stuart's letter which says that the needs and sentiments of the masses of the people must find expression through officials or non-officials acquainted with their daily life and qualified to speak with authority on their behalf. In connection with this passage my point is that we have not yet tried to let that expression be given by officials selected because they are Indian, not at any rate by Indian officials taken into council or conference in the regular fashion of assembling councils or conferences which the rest of the preamble pronounces to be desirable.

I have said above that to call councils or conferences of Indian officials, in regular fashion, would be of immense value, and it is certainly undeniable that they are qualified to speak with authority on behalf of the masses; for if an Indian official is not qualified to speak with authority, it is difficult to see who else is, without entering on the difficult distinction between properly constituted authority and authority constituted in other ways. What, for instance, is constitutional authority if it is not officially constituted authority? I saw somewhere a letter from a late Commissioner of the Punjab advocating the acquisition of assistance in Government through the peoples' "own rulers." I presume that these traditional hereditary rulers would be considered the constitutional non-official authority or constituted non-official authority best qualified to speak on behalf of the masses. Leaving Native Chiefs aside for a moment the point I make is whether traditionally constituted authorities would be better qualified than the constituted authorities proper, namely, the Indian officials. In the length and breadth of India officials are recruited from a large number of classes, and in time we may hope to say almost every class, and while individuals among them should thus be able to advise as traditionally constituted rulers might be expected to advise, officials have the merit of being disinterested or at any rate are expected by their Government to be disinterested. Non-officials are not expected to be disinterested or it is a wild flight of imagination to expect them to be, and, moreover, if to Advisory Councils are to be added individuals to represent every class, such as the landed aristocracy, mercantile, industrial, and the thinkers and writers as well as backward classes, a creation of large bodies of men is foreshadowed which we have already got, equally representative as far as that is possible, in the official classes. A reduplication is in fact contemplated, and reduplication with this difference that the large bodies contemplated would be unwieldy and individually interested wherever the interests of themselves and their class were at issue, while the large body already available is wieldy and is, or is expected to be, disinterested. Between which two bodies would one choose for useful advice, on the one hand self-interested, loose, discursive, and on the other disinterested (as far as that can be expected), compact, and ready to speak to the point? An untrained incoherent

body and a trained coherent body? A body unaccustomed to weigh, to judge and advise and a body accustomed to these three duties? A body accustomed to talk and only asked to talk, not act; and a body accustomed to talk and act? In fact it can hardly be a question that a body of Indian officials would be of more value in advising on any given point than a body of non-officials. Yet the possibility of summoning councils of officials seems to have been brushed aside or never thought of. Is it not a slight upon the large body of officials that Government, without taking such thought, should contemplate going behind them to the non-officials? It appears extraordinary to me that an appreciation of this slight, if it is a slight, has not been voiced in any Indian newspaper seriously considering the question. The Indian officials themselves are naturally silent, but if they could speak openly it is possible to conceive them asking "First of all why not listen to us?" I repeat it is not subversive of discipline to take officials into confidence and advice, irrespective of position and seniority, at the Viceroy's table upon matters admittedly requiring special examination from the point of view of Indian life and thought.

And as for the making of Government measures and motives generally understood and in correcting erroneous statements or imputations Indian officials are necessarily so closely connected with the non-official classes that they are as good mediums and mouth-pieces as any non-officials. Suppose that a council of Indian officials had been summoned and dispersed. The results in dissemination would be the same.

The fact is that no one who reads the correspondence or the discussions in the newspapers, particularly the Indian ones, doubts that the motives underlying the proposals are mainly political.

Since the above passages were written I have elicited, from an Indian Revenue Officer serving immediately under me, admissions which satisfied me that the sense of slight spoken of above was not a possibility figured only in my imagination. He also admitted that a council or conference of Indian officials would be more practically useful than one of non-officials, and he did this although he had been explaining that a representative council in the embryo was politically desired by the educated classes. He also admitted that the results in dissemination of what transpired at council would be the same whether the councillors were official or non-official. I have also elicited, from the advanced thinker of most notoriety* in the Province at the present time, the admission that non-official councillors called into existence in the manner proposed in the correspondence would be regarded by advanced thinkers as inefficient because not "responsible," whereas it was of course impossible to deny that officials would be "responsible." What was exactly meant by the term "responsible," I need not discuss just here; but my conversation with both the persons named brought out plainly to my mind the incontrovertibility of my proposition above that practical utility less than the satisfaction of political aspirations is expected to be served by the proposals under discussion. For practical utility councils or conferences of Indian officers must, in my opinion, hold the field, and the question which suggests itself is whether they would not serve political ends too. I incline to think that the political effect would be great. In fact I would go so far as to say that it would be so great, and might in the past have been so great, had such councils been regularly summoned, that much of the correspondence now written might possibly never have been written at all. For what brought about the penning of this correspondence is appreciation of sense of lost touch (rather than want of touch), and I submit that this loss could have been saved through official councils, perhaps almost as well if not as well as by any official councils, especially if my argument, that officials are recruited from all prominent non-official classes, is borne in mind.

*Lala Lajpat Rai.

For a number of years we had reform in almost every department of State going on almost simultaneously, and simultaneously also with the creation of new departments of State and of new appointments: yet though previous opinions were duly elicited through officials these officials were mainly English officials controlling the channels of elicitation, and there were certainly no councils or conferences of Indians (whether official or non-official) called in the way now under consideration. The very conservatism of Indian character was, I believe, startled at the rush of change introduced, and, as the thinkers considered, without consultation with the Indians themselves where they were capable of judging upon the necessity for, in comparison with the expense of, some of the innovations and changes. This rush of change itself, I think, contributed to unrest, or put a premium upon it. In India it is the natural instinct of the Indian to "go slow" and when everything "went fast" all of a sudden, without, as it was considered, a taking into confidence, the effect was disturbing to the Indian mind. The summoning of councils or conferences of Indian officials would have been exactly that form of "taking into confidence" which would have allayed the startled, disturbed, or unrestful feelings. Such summonings would no doubt have delayed matters, have rendered some of the proposed changes impossible in the time, but from the point of view of the present correspondence this would have been desirable. It would also have suited the views of the educated Indian thinker. The present correspondence is an implied council to "go slow" in administration; and in India, as most Anglo-Indians of experience know, this is the best of watch-words for each succeeding Viceregal Government.

Yet the correspondence also might be accused of erring in going too fast in another direction, namely, the political direction. It is all very well to say that by nomination of members useful working councils can be obtained. The statutory rules which were resorted to to give the present Viceregal Legislative Council an elective as well as representative character, show that as soon as councils are established this is the way the tendency lies, and the pressure begins and continues. Pressure towards turning the Advisory Councils contemplated into elective and representative ones is bound to urge itself forward: and owing to this knowledge only do the proposals under consideration at all satisfy the impetuous advanced thinker. The advanced thinker considers a nominated member inclined to be a submissive member, and he considers him not a responsible person and therefore inefficient. He considers him not responsible because he has not got a vote. An elective electorate, elected councillors, and councillors with a right to vote for or against any measure proposed in council are the goal of the ambition of a large section of advanced thinkers, and the moderate and impetuous among them only differ as to the degree of limitation or reservation necessary at the present time to prevent councils, having these objects admittedly in the background, from stultifying themselves as manifest impossibilities *in limine*. It seems therefore desirable, before embarking upon reforms which must tacitly accept or countenance these ambitions, to consider whether lost touch cannot be regained by any less compromising experiments. I think that it is a very great pity that the idea of summoning councils of Indian officials in regular fashion in the past was not elaborated, and also a great pity that this notion did not find a place as an alternative proposal in the correspondence now under discussion.

I am a deeply earnest supporter of the desirability of maintaining touch which is incumbent on any conscientious and intelligent Government, but I would follow the conservative and traditional methods first, in preference to, when India is considered, new fangled ones. My point is that we have not yet followed the conservative and traditional methods; for I cannot find it possible to agree that the *Badshah* ever made it a rule to summon non-official councils. This was not in the least contended by the Indian official above mentioned, whom I conversed with.

Of course it would be contended by the pushing Indian politician that officials summoned to council invariably adopt, and would adopt, the *jo hukm* attitude. He would say, and says this also of the nominated councillor. But I think it is true neither of the one nor of the other at the present day, and that it is and will be every day less and less possible to urge this imputation. The Indian official recruited from the educated classes is, within the limits of due discipline, becoming every day more frank and outspoken in his attitude to his superiors. (I take the officer above alluded to as a case in point. He is a young Muhammadan (only 10 years out of college), an excellent officer, he is frank and outspoken, and in no way too timid before his superiors). So also are and would be the persons and notables who would be nominated councillors under the scheme. Nor is it clear why there should be a difference. The official and the councillor, *in posse*, come from the same classes. The insensate *jo hukm* attitude is likely to as fast disappear from among officials and the persons who would furnish these non-official councillors as from those educated classes who think and write and press politics. A most remarkable letter in this connection appeared in an Indian newspaper (Lahore) the other day under the heading "What the people of India want." I do not believe the Indian official would be found tongue-tied if called into council or conference, especially when he would be, as he is, perfectly aware of all the discussions antecedent to any such calling if it happened. He would know that in addition to this official position, he had a "mandate of the people," as the political phrase goes, for those purposes connected with Indian thought and life for which he was so called.

And a great deal more do I not believe that the non-official councillor, albeit nominated, will be found tongue-tied or at all partial to the *jo hukm* attitude. He, on the other hand, admittedly not being "responsible," will be likely to be less submissive than oppositionary. The tendency will be that way. Experience shows it. The few elected councillors are likely to leaven the mass of the nominated ones, until the councils become mere "opposition benches." This I think is inevitable.* The elected members being dissatisfied members—permeated with the ambitions above described—are bound to be in opposition. They would be, as their being elected would imply, generally pushing politicians, and, as such, dissatisfied at having no power of vote. Their dissatisfaction would gradually extend to nominated members with practical certainty.† I do not see how this can fail to happen: with the result that a council almost entirely "in opposition" would result. And in this case Government would quite possibly often be incurring the odium of passing measures which it considered called for in conflict with the advice of its councillors; a situation absolutely courted by itself. It is obvious that this would not mend matters or help to make apparent that "touch" of which the want, or loss, is deplored. The want, or loss, of touch would only be emphasized in the eyes of the public. I imagine that this hope is not far from the mind of the dissatisfied pushing politician at

* To such extent as it is not counteracted by interested schism.

† Subject only to the above noted distractions.

the present time when he considers the present proposals, or at any rate of that class of politician who wishes to see the Government embarrassed. He has shown himself ready to embarrass the Government, and he must doubly welcome any readiness displayed by Government to embarrass itself. Why the Advisory Councillor is likely, in the long run, to be in opposition would be explained by such thinkers on the ground, that he is not "responsible." The more pushing among them would resent their not being "responsible" (that is, having no right to vote), and they would close ranks in opposition. The attitude of opposition benches is notorious the world over. It may be seen at St. Stephen's any day. It is one of opposition for the sake of opposition (unfortunately so, from the point of view of those who hold that party politics should not obstruct public business) and one of objection for the purpose of creating embarrassment to the ministerial benches. To all intents and purposes the Indian Government would represent the last-named benches, and the Advisory Councils the opposition benches, and their tactics would be the same dictated by the same spirit, namely, one of party politics.

Disingenuous attack of proposed Governmental measures, misrepresentation, exaggeration, and appeals to the gallery are among the tactics employed by all parliamentary opposition benches in all Western countries, and these possibly would be assimilated, elaborated, and improved upon by Advisory Councils in opposition in India.

Therefore I say we should "go slow" lest our latter state be worse than our first: or lest the suggested remedy be not worse than the disease. To be held up publicly as not only being not in touch but to be acting in conflict with advice tendered by councils is worse than to merely deplore a want of touch.

To try and establish touch by methods having at their root the satisfaction of political aspirations is a mixed procedure which confounds in my opinion "practical utility" and "expediency." The expediency may or may not exist as imperative. I cannot from my limited scope of vision judge whether it is absolutely imperative or not: but as to practical utility I deliberately say that touch can best be maintained or loss of touch regained by council which it had with Indian officials, namely "responsible" councillors as distinct from the "irresponsible." You will get real council from the one and irresponsible attack from the other. You will establish a real touch by means of the one and will be held up to the public as having none, and oftener as acting in conflict with expressed Indian opinion, by the other.

And I believe that the summoning of Indian official councils would be as politically effective as the other move with moderate thinkers, although it would never of course satisfy the pushing politician who aspires to a representative assembly with powers of vote. But neither do the present proposals satisfy him. He jeers at them.

These are my views written with all earnestness, but I regret to say as hurriedly as the press of work in this Lahore district is bound to occasion, especially in the case of a district officer who has only just taken charge and whose English office has, as it happens, just broken down under an inefficient ministerial *personnel*.

I have, however, to add that my objections to councils of irresponsible non-officials in general and to merely traditional rulers do not apply to councils of responsible actual rulers such as the Chiefs of States. Putting aside questions of individual capacity and temperament these Chiefs, selected in the body, would be anxious to give not only their opinions in connection with Indian thought and life but advice in what they considered to be the best interests of administration. Indirectly native rulers are interested in the administration of British India not only because they are often expected to follow suit upon the model, but because the attitude of their subjects is likely to be affected by new departure, especially when these are admittedly experiments which affect the political constitution of Government in British India. Their subjects are also liable to be affected by the spirit of thought generated by British rule in British India; and, in a measure, although with long interval between, they are likely to be confronted with the same problems of administration such as give rise to the present correspondence.

In a word, progress in British India and in the States should go on side by side, although perhaps not at equal pace, and to associate the rulers of States as Advisory Councillors with Government in facing the problems of administration seems to me a proposition natural enough to escape objection.

C. G. PARSONS, *Lieut.-Colonel*,

Deputy Commissioner, Lahore.

Replies by Lieutenant-Colonel C. G. Parsons to the categorical questions, etc., written in continuation of his "general opinion" preceding.

I. (1) For the reasons given in my general opinion I do not consider so. It will be seen that I advocate Advisory Councils of responsible officials and of responsible rulers,

not of irresponsible non-officials and merely traditional rulers. If the Advisory Councils contemplated are resolved on, I can suggest no modification in the manner of arranging its constitution and duties. As long as the manner announced is adhered to it would seem the least open to objection.

II. (2) I do not think so, for reasons already stated. If Provincial Councils of the kind contemplated are resolved on no modification of the proposals for constituting it occurs to me.

III. (3) That the elective principle crept into the existing council to the extent of 5 seats shows what the inevitable tendency is, and elected members are, for reasons given in my general opinion, almost bound to be "in opposition." To provide for 18 elected members out of 53 is to court the risks indicated in my "general opinion," I consider.

(4) The same criticism *mutatis mutandis* applies.

(5) Election by the land-holding members of the Provincial Council is open to the same criticism. To impose the duty of election upon the land-holding classes (whatever reservations as to the high status for the voter were made) would be in my opinion to introduce perhaps well meant but none the less iniquitous discord among those classes. An inexcusable experimentalisation with Western methods among an Eastern race is what I would condemn as I consider it would be iniquity not to be atoned for by subsequent extenuation on the plea of good intention obscured by want of insight. "I came not to introduce peace but a sword" is the question which most readily occurs to me on contemplating the proposal. The proposal would be the thin edge of the sword. The continual foisting of debateable Western methods on the East is in my opinion deplorable.

The third alternative suggestion of nomination commends itself to me.

(6) The same remarks apply to the proposed election of two Muhammadans. I approve of four Muhammadans being appointed, but would have all four nominated after examination of *representations* made to Lieutenant-Governors and Viceroys, which representation would be made freely enough either by memorial or deputation. It is election with all its evils which is so iniquitous in result. Representation is surely possible by other usual means.

IV. (7) I do not advocate any increase as my general opinion shows. If increase must be, let it be as restricted as possible.

(8) Nomination is the only form of appointment I consider justifiable.

(9) I would not advocate a fixed rule which would tie the hands of Lieutenant-Governors and court perhaps acrimonious discussions.

(10) I can suggest no electorate system which would not be open to evils far greater than the arbitrarily presumed political privileges. If election were unfortunately resolved on a closely discriminative electors' list would be needed.

(11) If the present proposals mature I would advocate separate representation of classes; and—

(*a*) I would carry it out by appointing persons named by *anjumans* and *panchayats* or communities by means of memorial or deputation.

(*b*) The "corresponding changes" contemplated in municipalities and district boards are an elaboration too intricate for practical adoption in my opinion. These bodies might be "consulted" about naming members when occasion required or circumstances allowed, but the constitution of them as elective arenas, and the constitution of elective arenas throughout the country, is the objection which I have tried to inveigh against to the best of my power.

(12) I think separate provision should be made, but the representatives should be nominated. There is no use in repeating my views too often.

V. (13) I think the alterations proposed reasonable, since the members of the council as responsible representatives of various interests should have full opportunity of discussion under the most facile means for rendering discussion less discursive and more fruitful. But lengthy sittings of council will no doubt have to be looked for.

(14) Not at present, either in one way or the other. I cannot conceive why developments should not be allowed to "grow" rather than be manufactured.

(15) If members showed a general desire for interpellation, I would in due course provide for it, but I would not introduce it as a necessary outcome of the present correspondence as this is what I mean by manufacturing a development.

Dated Lahore, 22nd October 1907.

From—Rai Sahib K. B. Thapar, Lahore,

To—The Deputy Commissioner, Lahore.

I have the honour to acknowledge, with thanks, the receipt of your office circular no. 6268, dated the 11th instant, inviting my opinion on the proposals of the Government of India for establishment of Advisory Councils both Imperial and Provincial, and for the enlargement of the Imperial and Provincial Legislative Councils.

2. Taken generally the proposals in question constitute a distinct step in advance in the direction of giving the people of India wider opportunities of expressing their views on administrative matters. I am disposed to welcome proposals of the nature, because I am convinced that the work of administration in this country is more difficult than it really ought to be on account of the opportunities of mutual consultation and of exchanging confidences between Government and representative men among the people being not as frequent as one would wish them to be. If the officials of Government and men of light and leading among the people meet in formal or informal conferences pretty frequently, there is sure to be much less room than at present for that misunderstanding between Government and the people which gives rise to difficulties of all sorts and at times causes considerable anxiety both to Government and those among the people who have a stake in the country. All well-wishers of the country who think that the interests of Government and the people are identical, unite in deploring the misunderstanding in question, because it retards the progress of the country on sound and harmonious lines in almost even direction.

3. As desired in paragraph 2 of Mr. E. D. Maclagan's lettter, dated the 27th September 1907, I shall endeavour to record my views on the proposals of the Government of India by answering the series of questions in the order in which they are stated at the end of the letter referred to above.

4. I. (1) *Imperial Adisovry Council.*—I am of opinion that an Imperial Advisory Council generally on the lines sketched out in paragraph 4 of Sir Harold Stuart's letter, dated the 24th August 1907, would be of service to the country. As regards the proposals contained in paragraph 5 of the letter referred to above, I have nothing to suggest regarding nos. 1, 2, 4, 5, and 6. But with reference to no. 3, I am inclined to think that the council would be better able satisfactorily to discharge one of its most important functions, *viz.*, (as stated in the conclusion of paragraph 4 of Sir Harold Stuart's letter), as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government, if room could be found in its rank for a few representatives of the educated classes. A council consisting exclusively of ruling Chiefs and territorial magnates would not command, to the extent that it should, the confidence of the people, more especially of the educated classes whose influence in shaping the views and opinions of their countrymen is out of all proportion to their numerical strength. I do not think it would be difficult for Government to find men of education and cultures suitable for nomination to the Imperial Advisory Council outside the ranks of territorial magnates, and what is known as the hereditary nobility and aristocracy, men who in social status and in their influence over their fellows are inferior to no territorial magnates in the land. The inclusion of such men in the Imperial Advisory Council would go a long way to disarm adverse criticism against its constitution and, later on, against its work. I am urged to press this view by the fact that the people at large are not disposed to recognise the claims of land-holders, territorial magnates, and men of good families and their hereditary leaders to the extent they did 30 years ago. The freedom from control or bondage of any sort they have enjoyed during the past 50 years, and the levelling influences of British *Raj* have made them quite independent of the aristocracy and the nobility of the land; and the process has been a good deal hastened by the fact that the latter have allowed themselves to lag behind in the race for culture and progress, intellectual as well as moral. Educational facilities have been provided by Government for all classes of the people, but the aristocratic classes have failed to profit by them. And it is no wonder that they have, to a large extent, ceased to occupy the high place in the regards and even the affections of the people which their grandfathers did only 25 years ago. As regards proposal no. 7, I think it would add to the usefulness of the council and extend its sphere of influence if publicity was given to their work. To treat proceedings of this body as confidential would be to afford the critics of the council a weapon which would be effectively used in undermining its influence as well as usefulness. I am not disposed to deny that confidential communications will secure frank interchange of opinion, but I think that the Viceroy and Governor General could at any time confer or communicate confidentially with one or more of the members of the council, even if it was decided to give publicity to its formal deliberations.

5. II. (2) *Provincial Advisory Councils.*—A Provincial Advisory Council would be a useful institution in the province. I have nothing to add to the suggestions in this connection contained in paragraph 6 of Sir Harold Stuart's letter. My remarks regarding proposal no. 7 in paragraph 5 of the same letter may be taken to apply to the Provincial Advisory Council also. The number of members need not, in my opinion, exceed 25.

6. III. (3) *Imperial Legislative Council.*—I approve of the enlargement of the Imperial Legislative Council generally on the lines sketched in paragraph 12 of the letter of the Government of India.

Under head D—Elected members (*a*)—I would increase the number to be elected by Chambers of Commerce in Calcutta and Bombay from 2 to 4 and give the National Chambers of Commerce (consisting exclusively of Indian merchants) at those places powers to elect a member each. Under the same head (*d*) I would not have any members elected by Muhammadans. The provision made under head E (non-officials nominated by the Viceroy to represent minorities or special interests, not less than 2 to be Muhammadans) is quite sufficient to safeguard Muhammadan interests. To allow Muhammadans to take part in the elections provided under head D (*b*) and (*c*) and also to allow them to constitute themselves into a special electorate to elect 2 more members would be to give them a preponderance of influence and to create invidious distinctions which are sure to be keenly resented by the other classes of the community, more especially the Sikhs and the Native Christians who have strong claims to the special consideration of Government. The constitution sketched in paragraph 12 of Sir Harold Stuart's letter is much too favourable to Muhammadans, and if accepted and carried out finally is sure to strengthen the impression largely prevalent among the Hindus all over the country that the Muhammadans are being unduly favoured by Government and at the expense of all the other classes of the community.

7. III. (4) *Imperial Legislative Council.*—I endorse the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of Sir Harold Stuart's letter.

8. III. (5) I approve of the selection of one of the great land-owners of this Province to the Imperial Legislative Council. I would prefer a system of nomination to election in this case. But if it is decided by Government that he should be elected, I would favour the formation of a special electorate in each Province with power to elect direct. To prescribe the payment of Rs. 5,000, as land revenue as the qualification for a voter, would considerably reduce the electorate, the strength of which, in my opinion, should not be less than 100. It would also not be possible to prescribe a higher qualification in the case of candidates for election without seriously restricting their number.

9. III. (6) I do not approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by election and 2 at least by nomination—as suggested under heads D (*d*) and E of paragraph 12 of Sir Harold Stuart's letter for reasons given in paragraph 6 of this note. In case it is decided to let Muhammadans elect 2 members, I would prefer some such electorate as that described in paragraph 18 of Sir Harold Stuart's letter. If the constitution of a suitable electorate is not feasible, the election might be entrusted to the Muhammadan members of the Provincial Councils. In case a special Muhammadan electorate is constituted, its members should not be allowed to vote in the open elections. Similarly if the Muhammadan members of the Provincial Councils are empowered to nominate a representative to the Imperial Council, they should not be allowed to take part in the elections by non-official members of the Provincial Councils.

10. IV. (7) *The Provincial Legislative Council in the Punjab.*—I would advocate an increase in the present number of members and would raise the total strength to 30. I do not think less than 12 of these should be non-officials if adequate representation has to be accorded to all the important interests mentioned in paragraph 20 of Sir Harold Stuart's letter and in paragraph 8 of Mr. E. D. Maclagan's letter.

11. IV. (8) I am in favour in maintaining the present system of nomination and would not have any of the non-official seats filled by election except that assigned to the University. I do not think that under any system of election that can be devised in this province it would be possible to give the needful representation to all interests enumerated in Mr. Maclagan's letter and to secure the right stamp of councillors. Besides I am not sure that it is possible to devise an elective system in this province which would prevent men being elected who could hardly be regarded as likely to enhance either the dignity or the utility of the council. A system of nomination would, on the other hand, enable the Government to apportion the seats at their disposal with due regard to the various interests requiring nomination and without the risk being run of any particular class or interest being over represented. In filling the seats the interests of the various parts of the province would also have to be considered, and these I think would be better protected under a system of nomination than under any elective system that can possibly be invented.

12. IV. (9) There is good deal to be said for the suggestion of the Government of India regarding a fixed rule determining the proportion of seats to be allotted to each class of the population of the province (paragraph 22 (*a*) of Sir Harold Stuart's letter), although I do not advocate the imposition of a hard and fast rule, in view of the fact that the number of seats to be filled up will be necessarily limited.

13. IV. (10) If election is resorted to for the appointment of all or any of the unofficial members I would not advocate election through municipal or district boards for

the reason that the basal principle of the franchise for these institutions is governed by considerations totally different from those which ought to have weight in constituting a Provincial Legislative Council, and to introduce radical changes in that franchise merely to suit the requirements of the Legislative Council would not, I think, be conducive to the efficiency of the boards. I am in favour of a special electorate being constituted on the lines of the special Muhammadan electorate mentioned in paragraph 17 of Sir Harold Stuart's letter. To the list of electors proposed therein I would add the darbaris, the title-holders, and the fellows of the University in the province. A seat or two might also be thrown open for election by the members and office-bearers of local and municipal and district boards.

14. IV. (11) In case a separate representation of classes as proposed in paragraph 2 (*a*) of Sir Harold Stuart's letter is finally decided upon, I think it should be carried out in the manner proposed in paragraph 22 (*b*) of the same letter, corresponding changes being at the same time made in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) of the letter.

15. IV. (12) I am not in favour of any provision being made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way. The Muhammadan in the Punjab cannot be regarded as a backward community requiring special protection. In almost all branches of the public service and in the learned professions they quite hold their own, and in industry and handicraft they occupy a position of predominance. There is no fear that in any system of nomination or election that is likely to be devised in this province their interests will suffer.

16. I quite endorse the remarks made in paragraph 10 of Mr. Maclagan's letter that in the Punjab the Sikh community is of the greatest importance. Some measures are certainly necessary to secure its adequate representation on both the Imperial and the Provincial Legislative Councils. The best plan, so far as the Provincial Legislative Council is concerned, would be to make a definite allotment of seats to Muhammadan, Hindu, and Sikh communities with due regard not only to their numerical strength, but their weight and influence and their historical importance. The Sikhs are deserving of special consideration, because they supply the Indian Army with perhaps the best part of its fighting strength, and also because they constitute the backbone of the agricultural part of the provincial population. The fact that before the British occupation the Sikhs were the rulers of the Punjab and also the fact that they afford the British valuable aid in retrieving their fortunes in the dark days of 1857 deserve to be borne in mind when their case is under consideration. I trust that the claims of the Sikh community for representation on the Imperial Legislative Council will be duly pressed.

17. I have very carefully considered the suggestion referred to in Mr. Maclagan's letter that even if the present system of nomination is otherwise maintained, the Senate of the Punjab University might be asked to elect one member for the council. I am of opinion that it would be an advantage to have an additional representative of the educateu classes, although it is not certain that the Senate would always elect an educated Indian gentleman. But any advantage that might accrue to the council by the election of another representative of culture and learning would be considerably outweighed by the disadvantage and inconvenience that would ensue on account of the introduction of a controversial political element into a body constituted for purely educational objects. If, however, it is decided in the case of every other Indian University that it should be empowered to return a member to the Provincial Legislative Council, to leave the Punjab University out would be to create an undesirable and an invidious distinction. In that case the Punjab might accept the inevitable.

18. V. (13) *Discussion of the Budget in the Legislative Council.*—I am in favour of altering the system of discussing the Budget in the Imperial Legislative Council in the manner suggested in paragraph 23 of Sir Harold Stuart's letter.

19. V. (14) I am of opinion that the Provincial Budget should be discussed in the Punjab Legislative Council and by separate heads in the manner suggested in paragraph 23 of Sir Harold Stuart's letter.

20. V. (15) I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

21. In conclusion I may be permitted to make a few general observations. The proposals discussed in this note are tentative, and, I understand, it is the intention of Government to modify them in the light of the opinions received from various parts of the country. The provision made for giving the hereditary aristocracy and nobility of the country wider opportunities for expressing their views on measures, both Legislative and Administrative, constitutes one of the most satisfactory features of the scheme. But I wish I could say that the interests of the educated classes are also adequately safeguarded. I fear that if the scheme is accepted as its stands, the educated classes will not receive adequate representation on the reconstituted councils. It is a mistake to judge of the weight and influence of these classes by their numerical strength in the

population. I cannot help referring here to the impression unfortunately largely prevalent all over the country, that as the result of the deplorable occurrences of the past five or six months the Government are determined to put down the Hindus and the educated classes generally. This impression is by no means confined to those who take part in political agitation. On the contrary it is very general among those who have never meddled with politics in any shape or form, and whose loyalty to Government has always been above suspicion. It can never be the intention of Government to punish a whole community or a section of the people for the misdeeds of a few misguided and fanatical zealots. I would not have written on this point as I have, if I had not been sure that Government is very anxious to remove the unfortunate impression referred to above. I wish to point out that if modifications are not made in the scheme with the view to safeguard the interests of the educated classes and especially excessive representation as that proposed in Sir Harold Stuart's letter is accorded to the Muhammadan community, the impression will spread and the resentment caused will increase in both volume and intensity. I am anxious to make it clear that my remarks are not made in any spirit of hostility to the Muhammadan community which always has had and has my best and sincerest wishes for its progress and advancement.

K. B. THAPAR,
Lahore.

No. 6, Fane Road, Lahore, dated 27th October 1907.

From—E. W. Parker, Esq., Advocate, Lahore,

To—The Deputy Commissioner, Lahore.

I beg to acknowledge the receipt of your circular no. 6403, dated the 19th October 1907, asking my views on the questions raised in the proposals for the establishments of Advisory Councils. In reply I beg to state as follows:—

A point which may be mentioned *in limine* is whether ruling Chiefs or their subjects should find any place in the Legislative and Advisory Councils. While it may be highly desirable to have a separate council (on the political side, so to speak) recruited from this direction, it is obvious that the Rulers and peoples of protected States should have no voice in the Government of British India and British subjects. Apparently this aspect has not received much attention, although a Council of Rulers and Notables of Native States would be welcomed by those States, more especially in advising the Suzerain's representatives in cases of disputed succession and the like, the lines on which a Committee of the House of Lords deals with successions to peerages being followed.

I think that Advisory Councils for British India, on the lines proposed, might, in course of time, prove useful. They would confer honour on the members and bring them into touch with the Government.

I am, however, entirely opposed to all forms of election on Western lines.

The introduction of a system of election into municipalities, in Lord Ripon's Viceroyalty, on lines altogether foreign to the genius of an oriental people and to the history and traditions of the peoples of India, has been fraught with disastrous results; the chief of which lies in the antagonism between Hindus and Muhammadans which has since become so accentuated.

Whatever mode of selection is adopted, let it be based on methods indigenous to the country and let it avoid all forms of individual voting and ballot.

As to the Imperial Advisory Council it might be entirely constituted by selections made from the Provincial Advisory Councils, the membership to the latter councils being made by Government nomination.

It seems to me necessary, at this stage, to consider questions of detail which will, no doubt, be easily worked out when general principles have been settled.

E. W. PARKER,
Advocate, Lahore.

Dated Lahore, 5th November 1907.

From—Mian Muhammad Shah Din, K.B., B.A., Barrister-at-Law, Lahore,

To—The Deputy Commissioner, Lahore.

With reference to your letter no. 6268, dated 11th October 1907, I have the honour to forward herewith my opinion on the proposals of Government of India for the establishment of Advisory Councils, both Imperial and Provincial, and for the enlargement of the Imperial and Provincial Legislative Councils.

M. SHAH DIN,
Barrister-at-Law, Lahore.

OPINION.

I. *Imperial Advisory Council.*—The reasons set forth in paragraphs 4 and 6 of the Government of India letter regarding the desirability of establishing the Imperial and Provincial Advisory Councils thoroughly commend themselves to me, and I think that the formation of such councils will prove useful both to Government and to the people. Owing to a variety of causes, which it is needless to enter into in this place, circumstances have come into existence in recent years which have rendered it much easier than before for interested persons and for political agitators of the extremist type to create in the popular mind a distrust of the motives and measures of Government, with the result that among large classes of the people there prevails at this moment an artfully stimulated feeling of discontent with existing conditions of administration, which constitutes a serious menace to the cause of peace and good government in this country. It would be wise, therefore, for the authorities to devise some means by which they would be enabled, with due regard to the necessities of the time and the expansive conditions of modern progress, to take the influential classes of the population more into their confidence, and through the latter to turn the dominant currents of genuine Indian thought and feeling into channels more in harmony with the needs of a sound Imperial policy. The necessity for adoption of measures calculated to bring about such a result is imperative, and I am persuaded to think that the establishment of Imperial and Provincial Advisory Councils would be a step in the right direction.

As regards the constitution and duties of the proposed Imperial Advisory Council, I regret I find myself unable to concur fully in the suggestions made in paragraph 5 of the Government of India letter. The modifications which I venture to propose are as follows:—

(1) The membership of the council should not be limited, as it is proposed to be limited, to the ruling Chiefs and the territorial magnates of British India, but should be extended to the influential representatives of important interests in the country such as industry, commerce, the learned professions, &c., which the Government of India themselves have considered of sufficient weight to be entitled to a representation on the Provincial Advisory Councils. In this respect I see no cogent reason why a distinction of a radical character should be drawn between the Imperial Council and the Provincial Council; in fact, so far as this aspect of the constitution is concerned, instead of working down from the Imperial Council to the Provincial Councils, I would work up to the former from the latter, and I would include in the Imperial Advisory Council the representatives, however small in number, of all the interests which, in view of their relative importance in the country, can legitimately claim representation on the Provincial Councils. In my humble judgment the Imperial Advisory Council should be, as the Imperial Legislative Council generally is in its relation to local Legislative Councils, an epitome of all the Provincial Advisory Councils in the country, for it is then and only then that it will be fit to discharge the great functions for the performance of which it is proposed to establish it, *viz.*, to act as a faithful exponent of the views and wishes of all races and nationalities both in British India and in the principal Native States, and to serve as a reliable "agency for the diffusion of correct information upon the acts, intentions, and objects of Government."

(2) If, as is proposed, the council should consist of about 60 members, I would suggest that the number of ruling Chiefs should not exceed 15, *i.e.*, one-fourth the total number of members. If the inclusion of about 20 Chiefs in the council is for some reason considered desirable, I would raise the total numerical strength of the council to 80, which would probably be a suitable figure if, as I have suggested above, important interests other than those of the great land-holders should be considered entitled to claim representation on the council.

(3) I would also suggest that in finally settling the constitution of the council, the Government of India should make it clear that, so far as possible, the nominations to the council will be made with due regard to the numbers and the political and historical importance of the several communities which inhabit India. A declaration to this effect will, in a large measure, satisfy the vast majority of the Indian people who are outside the sphere of influence of the professional politician, who is almost pledged to oppose the political reforms undertaken by the Government of India, and who will endeavour to minimise the representative character of the proposed Advisory Councils, the institution of which obviously is not in harmony with his ideas of political advance.

II. *Provincial Advisory Councils.*—For the reason which I have set out above I think that a Provincial Advisory Council for the Punjab would be a useful institution. I have no particular suggestions to make in connection with the proposals made in the Government of India letter and in paragraph 4 of the letter from the Chief Secretary to the Punjab Government regarding the constitution and duties of such a council.

III. *Imperial Legislative Council. Answer to question* 4.—I certainly approve of the proposed enlargement of the Imperial Legislative Council. I do not, however, see my way to concur fully in the scheme sketched out in paragraph 12 of the Government of India letter. I would propose the following modifications:—

(1) I do not approve of the nomination of a ruling Chief to the council. A ruling Chief may fitly find a place on the Imperial Advisory Council, and the proposed consti-

tution of that council, according to which a sufficiently large number of ruling Chiefs will under all circumstances be its members, affords ample scope for a full expression of the views of the heads of the principal Native States on most of the important matters affecting the Indian people in regard to which they might profitably be consulted. They have little practical knowledge of and take less interest in the legislative needs of British India, and with all possible respect for the Chiefs who have so acted as members of the Imperial Legislative Council, I do not think that their contributions, if any, to the discussions on the various legislative measures brought up from time to time before the council, would in the majority of cases be of much intrinsic value. A member from among the ruling Chiefs may no doubt on exceptional occasions ensure or strengthen the official majority in the council, but this object can well be secured without such a member being nominated; and I therefore do not see any reason why the anomaly, in view of the proposed institution of the Imperial Advisory Council of nominating a ruling Chief to a seat on the Legislative Council should be persisted in.

(2) The question of setting apart a fixed number of seats on the council for the Muhammadan community is one of great importance, and I believe I only voice the real feelings of my co-religionists in all parts of India when I say that the proposed reform in the constitution of council according to which a number of seats will be specially reserved for Muhammadans is viewed with great satisfaction by the community. This reform will not only serve to remove one of the grievances which have been long and sorely felt by Muhammadans in the past, but will also mean the timely recognition by the Supreme Government of a just principle of separate racial representation on the councils of the Indian Empire, which, when fully carried out, will tend to solve many of the administrative difficulties of Government. I, therefore, strongly support the proposal to allot a fixed number of seats to Muhammadans on the Imperial Legislative Council, though, at the same time, I cannot approve of the suggestion to limit this number to 4. After making due allowance for the possible return of, say, two Muhammadans (the return of more than two being exceedingly improbable) under sub-heads (*b*) and (*c*) of head D of the scheme sketched out in paragraph 12 of the Government of India letter, it is not too much to say that the six Muhammadan members elected and nominated under heads D and E out of a total of 53 members would hardly suffice for the adequate representation of the vastly diversified interests of the Indian Mussalmans on the Viceroy's Council. If the Government of India have seen fit to recognize the justice of the Muhammadan claim to a separate representation on the Legislative Councils of the country, in the spirit of the generous reply given by His Excellency the Viceroy to the address presented to him by the Muhammadan deputation at Simla on the 1st October 1906 (referred to in paragraph 16 of the Government of India letter), surely the representation so conceded should be adequate. For, if this is not done, the Government of India will, on the one hand, have incurred the odium of Hindu politicians of the Congress school for alleged partiality to the Muhammadans in giving them a special representation on the councils, and, on the other hand, would fail to fully carry out the object which the Muhammadan deputation had in view, and to satisfy the just demands of the educated Muhammadans for an adequate representation of their special interests on the enlarged council boards. I would, therefore, suggest that *six* instead of *four* seats be reserved for Muhammadans on the Imperial Council, and that to carry out this idea two additional seats be given to them under sub-head (*d*) of head D. If this suggestion is adopted, then in the event of two Muhammadans being returned under sub-heads (*b*) and (*c*) of head D from the two provinces of the Punjab and Eastern Bengal and Assam, there will be altogether eight Muhammadans on the Imperial Council out of a total of 53 members—a representation which will be just adequate enough to safeguard Muhammadan interests, and can under no circumstances be regarded as an unduly large or extravagant concession in favour of Muhammadan demands.

The suggested increase in the number of special Muhammadan seats would necessitate a readjustment of the figures given under various heads and sub-heads as specified in paragraph 12 of the Government of India letter, and I would therefore propose the following three alternative schemes:—

(*i*) The same scheme as that set out in paragraph 12 be adopted, *except* that I would strike out (2) (*c*)—no ruling chief to be nominated—and would reduce the number of additional officials to be nominated under head (2) (B) from 20 to 19. This would set free two seats which would be added to those reserved for Muhammadans under head D, sub-head (*d*).

Under this scheme the official majority, which must always be ensured, will still hold the field.

(*ii*) Same as above, with the modification that if the nomination of a ruling Chief under head (*c*) is considered essential, the number of experts under head F may be reduced from 2 to 1.

(*iii*) If it is considered inexpedient to reduce the number of additional officials under head B or to interfere with the proposed nomination of one ruling Chief and of two experts, then in order to secure an official majority 22

officials may be nominated instead of 20 under head B, so that the suggested increase in the number of Muhammadans under head D, sub-head (*d*), may be counterbalanced by a corresponding increase in the number of official members. The maximum strength of the council would thus be 57 instead of 53, and out of these 57 members there will be about 8 Muhammadans.

The above alternatives of course are not exhaustive, but they are put forward as tentative solutions of the question as to the redistribution of the seats on the council which would necessarily arise as a corollary to my suggestion regarding an increase in the number of seats proposed to be allotted to the Muhammadans.

Answer to question (4).—I thoroughly approve of the proposal set out in paragraph 13 of the Government of India letter that the non-official members of the Punjab Legislative Council should have the privilege of electing from amongst themselves one member to a seat on the Imperial Council.

Answer to question (5).—So far as the Punjab is concerned, I do not think the time has come for Government to confer on the great land-holders of the province the privilege of electing one of their class to a seat on the Imperial Council, and I am therefore inclined to the opinion that a system of nomination would be better suited to their requirements. In making a nomination, however, the Government of India should, so far as possible, give due weight to the wishes of the great body of substantial land-owners on the subject, and to the conditions of the community to which the majority of them happen to belong.

If, however, the Government decide to confer the franchise on the nobles and the great land-owners of this province, empowering them to elect a representative of their own on the Imperial Council, I would suggest that for this purpose a provincial electorate be formed of those land-holders who pay land revenue of Rs. 5,000 and over, and that they elect direct to Imperial Council a member who must himself belong to their class. I do not approve of the alternative methods of selection proposed in paragraph 15 of the Government of India letter, nor do I think that an electorate of sufficient size and weight will be obtained in the Punjab if the amount of land revenue giving the right to vote is raised above Rs. 5,000.

Answer to question 6.—The first part of this question I have already had occasion to deal with in answering the second part of question 3. I have stated that I fully approve of the proposal to set apart a fixed number of seats for Muhammadans, but that the number of seats proposed to be so set apart is sufficient. I have suggested that six seats be specifically reserved for Muhammadans, four under head D, sub-head (*d*), and two under head E (see paragraph 12 of Government of India letter). Four Muhammadans will thus be elected, and two will be nominated by the Viceroy. The four seats reserved for elected Muhammadans should be filled by the privilege of election being exercised by the six provinces mentioned in paragraph 18 of Government of India letter in rotation. In each province the electorate should be constituted as follows:—

(*a*) Same as under head (*a*) in paragraph 18.

(*b*) Same as under head (*b*) in paragraph 18.

(*c*) Muhammadan graduates of not less than 10 years' standing.

In every case it should be made a condition that the member elected must himself belong to one of the three classes enumerated above.

I am disposed to think that, as pointed out by the Government of India, it will be comparatively difficult to compile a list of voters under head (*c*) as suggested in paragraph 18 of their letter; and, apart from difficulties of such compilation, some interested persons will, I am afraid, resort to improper means to bring themselves within the purview of the property qualifications proposed under the above head with a view to being able to vote in elections for, and to get election to, a seat on the Imperial Council. On the other hand, if the electorate be confined to the Muhammadan non-official members of the Provincial Council, the number of electors will certainly be too small for the object in view, and the result of the election will not always command the confidence of the Muhammadan community. The electorate should, I think, be large enough to represent the influence and the intelligence of the community; and this can be obtained by adopting the composition which I have ventured to suggest above.

IV. *Answer to question* 7.—I would propose that the maximum strength of the Punjab Legislative Council be 26, or, including His Honour the Lieutenant-Governor, 27.

Of the 26 members there should be 14 officials and 12 non-official members.

Answer to question 8.—In the existing circumstances of the Punjab, I am a strong supporter of the present system of nomination, as I am persuaded to think that this province, though it is advancing with rapid strides, has not yet made sufficient progress in arts of life to enable its population to exercise the privilege of election with manifest advantage.

Answer to question 9.—I would certainly advocate a fixed rule determining the proportion of seats to be allotted to each community, and I would suggest the following composition of the non-official portion of the council upon a class basis:—

There should be 12 non-official members of the council, consisting of—

(1) Six Muhammadans.

(2) Five Hindus and Sikhs. { (*a*) Three Hindus. (*b*) Two Sikhs.

(3) One Christian.

As the Muhammadans constitute the major portion of the population in the Punjab and as they form a community which, apart from its members, is entitled by reason of its historical and political importance to special consideration in the proposed scheme of reform, at least half the number of non-official seats on the council must under all circumstances be appropriated to them. I have therefore proposed that they should have *six* out of twelve such seats on the council. Of the remaining six seats, five should go, I think, to Hindus and Sikhs, who for all practical purposes constitute one community and should be treated as such, so far as their representation on the council is concerned. If, however, either the Sikhs for some reason claim to be entitled to the privilege of representation as a separate community, or the Government chooses to treat them as a distinct section of the population of sufficient importance to stand by itself, then I would assign 3 seats to Hindus and 2 seats to Sikhs, which in the present circumstances of the province, I consider to be a fair division between the two religions. To the Christian community, I would allot one seat and I think that in view of their small numbers, their relative needs, and the character and extent of their interests as involved in the matter of legislation, they are not entitled to larger representation.

As regards the suggestion that the Senate of the Punjab University might be empowered to elect one member to the council, I am of opinion that the proposed concession will *not*, on the whole, be a step in the right direction. The educated classes can be sufficiently represented otherwise than by conferring the franchise on the Senate of the University as a corporate body, and, under the present circumstances of the province, one can see possible difficulties ahead in the practical working of the proposed franchise. The Senate represents many shades of political opinion, and it is highly probable that, unless the suggested election is conducted in alternate years on the basis of a class representation, the conflict of political interests involved in it will lead to undesirable consequences. Such a result should, if possible, be avoided; and I, therefore, strongly dissent from the proposal to give the University the right to nominate a representative on the Legislative Council.

Answer to question 10.—If the Government decides to introduce into this province the system of election, I would propose that the non-official portion of the council be constituted somewhat on the following lines:—

Out of 12 non-official members—

(A) Eight members may be elected as follows:—

(1) By the municipal committees	3
(2) By the great land-owners	2
(3) By the Muhammadans	2
(4) By the commercial community	1
TOTAL . .	8

(B) The remaining four members may be nominated by the local Government to represent special interests, and of these four not less than two must be Muhammadans.

According to the above scheme not less than four seats would be definitely appropriated to Muhammadans, who it is hoped may be able to secure two more seats on the council in the ordinary way, if the electorates for the election of members of municipal committees be constituted on the lines suggested in paragraph 22 (*c*) of the Government of India letter.

It will be further observed that I do not advocate election exclusively through the municipal committees, but only reserve one-fourth of the total number of seats for their representatives. The district boards are not yet sufficiently advanced for exercising the privilege of election profitably, and I would not therefore confer the franchise upon them for the present.

If the system of election is sought to be worked upon the basis of class representation (as advocated by me in answer to question 9), then I would suggest the following alternative scheme:—

(A) To be elected—7 members:—

(1) By Muhammadans	3
(2) By Hindus	2
(3) By Sikhs	1
(4) By Christians	1
TOTAL	7

(B) To be nominated by Government—5 members:—

(1) Muhammadans	3
(2) Hindus	1
(3) Sikhs	1

Answer to question 11.—I have already approved of the separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter (see answer to question 9). I do not, however, approve of *all* the representatives of a particular class being *elected* by that class, for I think that (if the system of election is to be introduced into this province) a fair proportion of those representatives must be nominated.

As at present advised, I am not prepared to concur in the method of constituting electorates for the election of representatives of each class as suggested in paragraph 22 (*b*) of the Government of India letter. Whatever may be the case in other parts of the country, in the Punjab Hindus and Muhammadans who have held or are holding office in the municipal or local boards, as a general rule, are not regarded as representative men of either community. It is a well known fact that, under existing conditions, very few men of light and leading present themselves for election to municipal boards, and those who do almost invariably get defeated by men who are unscrupulous enough to use all kinds of electioneering tricks to gain a victory. Of the persons who are nominated to these boards, there are not many who command the respect of the progressive sections of the population, or who are alive to a sense of their civic responsibility. I would not, therefore, confer on the past or present members of the municipal and district boards the right of voting for the election of a large number of members of the local council; I would only give them the right of electing a small proportion of the representatives assigned to each class, and for the election of the rest I would constitute special electorates for the various classes of the population.

I strongly advocate a change in the constitution of municipal and district boards of this province upon the lines laid down in paragraph 22 (*c*) of the Government of India letter. Hitherto the representation of Muhammadans on these boards (more especially on the municipal committees) has been most inadequate, with the result that their interests have almost throughout the province greatly suffered at the hands of an unsympathetic Hindu majority which rules over nearly every municipal corporation. The system of promiscuous election in vogue at present in most of the important towns in the Punjab is radically wrong and is open to serious objections in practice, and I think the time has come when Government should replace it by a more equitable system conceived in the spirit of the judicious proposals embodied in paragraph 22 (*c*) of the letter from the Supreme Government.

Answer to question 12.—The first part of this question I have answered above (see answer to question 10). As regards the second part of it, I would suggest that a special Muhammadan electorate be constituted consisting of—

(1) All who pay income-tax on Rs. 2,000 and over.

(2) All who pay land revenue of Rs. 750 and over.

(3) All registered graduates of the local University of not less than 5 years' standing.

The standards of income tentatively proposed in paragraph 17 of the Government of India letter are in my opinion rather low, and as I do not approve of the electorate being too large and unwieldy, I have proposed the exclusion of payers of income-tax who earn less than Rs. 2,000 a year.

I would further prescribe special qualifications for a candidate who would stand for election to the council, *viz.*, he must—

(1) either pay income-tax on Rs. 6,000 a year,

(2) or pay land revenue of Rs. 1,500 or over,

(3) or be a graduate of an Indian University of not less than 10 years' standing.

If Muhammadan members of municipal boards are at all empowered to elect a representative to the council, the privilege should be limited in all cases to the election of *one* member, and the remaining members should be elected by the special electorate as constituted above.

V. *Discussion of Budget in the Legislative Council. Answer to question* 13.—I approve of the proposed alteration in the system of discussing the Budget in the Imperial Legislative Council upon the lines suggested in paragraph 23 of the Government of India letter.

Answer to question 14.—I think that the time has come when the Provincial Budget should be discussed in the Punjab Legislative Council. I do not, however, advocate its discussion under separate heads in the manner suggested in paragraph 23 of the Government of India letter, as I think that for some time to come the system of discussing the Budget as a whole will work quite satisfactorily in the Punjab.

Answer to question 15.—I certainly think that the power of interpellation by members should be introduced into our Provincial Council.

M. SHAH DIN,
Barrister-at-Law, Lahore.

Dated Lahore, 6th November 1907.

From—Bhai Gurdit Singh, Rais, Lahore,

To—The Deputy Commissioner, Lahore.

With reference to your letter no. 6343, dated 18th October 1907, I have the honour to submit herewith my answers to the questions set forth in the Punjab Government letter no. 2643-S., dated 27th September 1907, relating to the proposed Advisory Councils.

GURDIT SINGH,
Rais, Lahore.

Opinion.

I. *Imperial Advisory Council.*—The needs of the time seem to be that the Government should freely consult the public before adopting any measure affecting the welfare of the people in general. Free consultation with the public through its proper representatives would not only remove misunderstandings between the rulers and the ruled, but would often supply the missing link in the series of official information. The proposed Advisory Council will certainly become a great boon to India if the members are given ample opportunities to express themselves affecting the welfare of the public and are kept in sufficient touch with the officials so as to have their confidence and trust in full. The utility of the Imperial Advisory Council will depend upon its *personnel* as well as the measure of exchange of confidence between the members and the Government officials. The association of the Ruling Chiefs would conduce to the ornamental as well as the useful side of the council, only if those Chiefs are selected who can think of themselves without depending entirely upon their Private Secretaries. The council itself is a marked step in the constitutional progress, but the total absence of elective principle minimises the value of the boon. The object of "diffusion of correct information upon the acts, etc., of Government" would be better attained if out of the proposed number of 60 councillors 7 at least were chosen by the people of the country in the way the Government may deem fit and proper, and the rest are nominated by the Government, due regard being paid to the personal qualifications and usefulness of the candidates. I venture to think that the proposed Imperial Advisory Council with its members having powers of free criticism and opinion though no control of Government, cannot but be a blessing to the country. But the British Government, while so kindly training its Indian subjects in the ways of the Government of their country, should be prepared to confer more privileges of the kind in time. It is highly gratifying to see that the Government already aims at adequate representation of the interests of all classes, religions and creeds, and I feel therefore confident that the case of the Sikhs who care more to serve the Government than to talk loud and wide, and who depend entirely upon the benign British Government for their subsistence, protection, and welfare, will not be allowed to merge into that of the Hindus who seem to be rather under cloud in the scheme of reform.

II. *Provincial Advisory Council.*—Paragraphs 6 and 7 of the Government of India letter no. 2310—2317, dated 27th August 1907, contemplates an Advisory Council for each Indian province similar to the one Imperial Advisory Council for all India; and I venture to think that the Provincial Council will be as good and useful an institution for the province as the Imperial Council will be for the whole country. Confining my remarks to my province I think that the Punjab needs an Advisory Council very badly,

and its existence some months ago would have prevented the unfortunate events of which all sensible people are ashamed. But its usefulness will depend, as remarked in the case of Imperial Advisory Council above, chiefly upon the constituents of the council and the degree of the confidence reposed by the Government officials in the members and *vice versâ*.

Considering the past history and present conditions of the Punjab, I venture to think that the well-meant intentions of the Government in establishing the proposed Advisory Councils will be better fulfilled if all the members of the Punjab Provincial Council are selected by the Government; but in selecting members the number of the Sikh members should especially be larger than the proportion of their numerical strength would demand—because (1) in no other province of India there is any chance of a Sikh appearing on the Council; (2) their backwardness in education and consequent inability to give orations is apt to create wrong impressions about their rights and abilities; (3) their eminent services in the field of action mere look of which causes the classes now favoured with public appointments in all departments to apply for leave on private affairs; and (4) their helplessness and enitre dependence upon the Government; for all they had is now at the service and disposal of the Government willingly given and most loyally presented.

Under the circumstances I opine that out of the proposed 20 members of the Punjab Provincial Advisory Council, 10 should be officials with 1 or 2 Sikhs, and 10 non-officials, 3 Sikhs, 2 Hindus, 1 Christian, and 4 Muhammadans.

III. *Imperial Legislative Council.*—The proposed Government scheme has in view the highly commendable object of giving the children of the Indian soil a sound training in the administration of their country; and nothing would be more conducive to the attainment of that end than to give them more share in making the laws and regulations governing India. Hitherto the number of the members being rather small, the adequate representation of the interests of all Indian communities was impossible. By taking in more members now of approved qualifications the danger of interests of certain communities being neglected will be minimised.

The principle that the paramount power in India should have a predominating numerical strength implies the existence and recognition of another power within which is feared and has to be subdued seems to be rather hard to be swallowed by the loyal subjects of His Imperial Majesty the Emperor of India. The internal enemy must vanish, the snake in the sleeves must be crushed. But the existence of the enemy or the snake should be found out and assured before any weapons are employed for its destruction. The British Government is the strongest Government in the world and has at his command the wisdom, wealth, and physical and other forces of the present age and has absolutely nothing to fear. Its vast and varied resources are too formidable to notice any puerile franks of any phantom foes. Moreover, the people of India and the Emperor of India are not antagonistic items of Indian Government, but the component parts of the same homogeneous whole. I see therefore no reason why the officials and non-officials should not be represented in equal proportions in the enlarged Imperial Legislative Council. I would therefore suggest that the council should be thus constituted—

(1) His Excellency the Viceroy	1
(2) *Ex-officio*—the head of the local Government where the council assembles, His Excellency the Commander-in-Chief, and the members of Executive Councils	8
(3) Additional officials to be nominated (all Europeans)	18
(4) A ruling Chief to be nominated by His Excellency the Viceroy	1
(5) Non-officials to be elected	
(*a*) By Chambers of Commerce of Calcutta, Bombay, Punjab, and Karachi	4
(*b*) Non-officials of the Provincial Councils	7
(*c*) Raises and great land-owners of 7 provinces named in the scheme	7
(6) Non-officials to be nominated by His Excellency the Viceroy 3 Muhammadans, 2 Sikhs, 1 Christian and 1 Hindu	7
(7) Experts to be specially nominated when necessary	2
TOTAL	55

That all the Provincial Legislative Councils existing should be privileged to return one elected member out of themselves is just and fair, and is not likely to be gainsaid. Nor can the proposal of having one representative of nobles and big land-owners of India in the Imperial Legislative Council be disputed. This representative should be elected out of the voters who should consist of the 52 land-owners ascertained by the Punjab Government and those Provincial Darbaris of the Punjab who may not come in the list of the said land-owners.

While the Government is so much anxious to protect the interests of all communities, there is no cause of alarm for the Muhammadans. In the Punjab the Moslem community has been enjoying special favours of the Government out of all proportions and has now become much stronger than their fellow subjects of other denominations. The Government favours so lavishly showered upon the Moslem community have created among them internal union, leaders with faithful followings, and a growing community of interests with resourceful powers out of India, and these, coupled with physical strength of the masses and other forces working on them, are apt to become a two-edged sword that may harm the enemy of the constitution or the constitution itself as the requirements of the community may demand. So the Government should be very careful in raising this community to an enormous height at the expense of the Hindu community which owing to their peculiar condition of religion and society can never become united, can never have a leader with faithful followings, but who by their pen and tongue will always be useful to the constitution. Nor should the interests of the Sikhs be ignored or sacrified to those of the Moslem as the Sikhs are, by their religious instruction and physical and mental training, the most loyal subjects of the Crown, and have proved so on the battlefield as well as the Council Chambers. Again, elections are supposed to provide fair play and no favour to all concerned alike, and it is highly unfair to introduce racial differences in elections. For these reasons I do not think that Muhammadans shoud have any seats specially provided for by election in preference to other communities. Special considerations should guide the nominations, and I venture to suggest that all the seats that the Government desires to provide for the Muhammadans, because they are Muhammadans, should be given by selection and not by election; and while considering the claims of the Moslem community on principle of religion, the Sikhs and Christian communities should be favoured in the same way.

IV. *The Provincial Legislative Council for the Punjab.*—The *new* scheme for the Imperial Legislative Council necessarily implies the enlargement of the Provincial Legislative Councils, and the introduction of an elective principle therein. Some provinces are already enjoying the privilege of election, and if the other provinces are granted similar privilege, the people will be grateful.

The Punjab Provincial Legislative Council as at present constituted cannot admit of any scope of a suitable election for the Imperial Legislative Council, and it is highly necessary that the number of non-official and official members of the same should be sufficiently raised as to provide adequate representation of all interests and communities of the province. Now in the Punjab Council there are three non-official and 7 official members including the Lieutenant-Governor, and I propose that the total strength of the council be raised to 32 as detailed below:—

(1) His Honour the Lieutenant-Governor		1
(2) One ruling Chief to be nominated by the Government . .		1
(3) Officials to be nominated by the Government		15
(10 Europeans, 2 Muhammadans, 1 Hindu, 1 Sikh and 1 Christian.)		
(4) Non-officials to be elected by—		
(*a*) Municipalities of Lahore and Simla . .	2	
(*b*) District boards	2	
(*c*) Punjab Chamber of Commerce . . .	1	
(*d*) The Punjab University	2	
(*e*) Anjumans, Samajes, and Khalsa Diwans .	3	
	—	10
(5) Non-officials specially nominated by the Government to represent minorities, not less than 2 to be Sikhs in addition to those that may be elected		4
(6) Expert to be nominated by the Government when necessary .		1
TOTAL .		32

From the above it will be observed that I would have in the Punjab partly election and party nomination, because from the every day experience of municipal and other elections in the Punjab, it is noticed that worthy people are sometimes left out and that some of the best men do not stand in elections from fear of defeat and unnecessary trouble of canvassing, etc. Nominations would open a suitable ingress for such cases.

The land-holders, cultivators, traders, and professional classes should be represented by the proposed ten non-officials to be elected by various institutions named above. The reognition of castes for this purpose would hamper the choice of the electorates and may

not succeed in the Punjab. The proportion of representation of these classes may be taken as 3 land-holders, 2 cultivators, 3 traders, and 2 professionals. I propose these proportions because the number of literate people among these classes varies considerably.

The municipal and district boards of the Punjab are not considered by the public as very successful institutions, because the influence of the Indians therein is not potent enough. These institutions nevertheless cannot be dispensed with as part of electing machinery for the Provincial Legislative Council; and as under the present conditions their usefulness is hampered, I think the rules for the constitution and guidance of their working as well as the qualifications of their voters should be revised.

The interests of the Muhammadan community will be quite safe if out of the ten non-officials proposed to be elected four are Muhammadans, three Hindus, two Sikhs, and one Christian according to the class distribution explained above. Thus out of 32 members proposed, at least 7 will be Muhammadans, about 5 Hindus, 5 will be Sikhs, and 14 Christians. Under the circumstances I do not think that any further provision of separate representation of the Moslem community is required.

V. *Discussions of the Budget in the Legislative Council.*—The present system of discussing the whole Budget in a single speech of the non-official members who sometimes try to vie with each other in speeces knowing full well that they are crying in the wilderness, is defective. The proposal to discuss by separate heads with the member in administrative charge first, and to criticise the administration afterwards, is certainly a step forward and a desirable improvement on the present system. The assurance that the practical and reasonable remarks of the members will be considered creates a delightful hope that the time and energy spent by the members in the service of their country and sovereign may bring forth happy results some day.

The Provincial Budget of the Punjab should be discussed in the Punjab Legislative Council in the same manner as the Imperial Budget is proposed to be discussed in the Imperial Legislative Council.

The right of interpellation enjoyed by the members of other Legislative Councils of India should be extended to the Punjab and Burma Councils. Without this privilege the Legislative Council of the Punjab will not be so useful as it is intended to be.

GURDIT SINGH,
Rais, Lahore.

No. 323, dated 10th November 1907.

From—RAI SAHIB TILOK CHAND, Extra Assistant Commissioner, in charge of the Kasur sub-district,

To—The Deputy Commissioner, Lahore.

As desired in your letter no. 6268, dated 11th ultimo, I have the honour to submit my views on the questions raised.

TILOK CHAND,
Sub-Divisional Officer.

Answers to the questions of Government of India letter no. 2310—2317, *dated 24th August* 1907.

I. (1) I certainly think that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country. The proposals made in paragraph 5 regarding its constitution and duties are suitable in my humble opinion.

II. (2) I consider that a Provincial Advisory Council would be a useful institution. The number of these councillors for Punjab should be not less than 42. The number to be made up as below:—

(*a*) Four members from among the agriculturists may be taken from each division	20
(*b*) Native retired gazetted officers one from each division	5
(*c*) Professional men such as lawyers and doctors, &c., one from each of five stations, *viz.*, Multan, Lahore, Jullundur, Delhi and Rawalpindi	5
(*d*) Mercantile people, one from each five stations, namely Multan, Amritsar, Ambala, Delhi, and Rawalpindi	5
(*e*) Mahants and Pirs, religious guides of the people, one from each division	5
(*f*) Non-official Europeans from Lahore	2
	42

Half of the natives should be Muhammadans and the other half Hindus, including Sikhs. I have no suggestions to make, different from that proposed, regarding duties of the councillors.

III. (3) I am not in favour of an enlargement of the Imperial Legislative Council.

(4, 5, & 6) I would maintain the present system.

IV. (7 to 12) I would not advocate an increase in the present number of members in the Provincial Legislative Council and would maintain the present system of nomination, &c.

V. (13) Certainly I consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) I think that the Provincial Budget should be discussed in the Punjab Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

(15) I would advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

TILOK CHAND,
Sub-Divisional Officer, Kasur.

The 10th November 1907.

Dated Lahore, the 11th November 1907.

From—SHAIKH ABDUL AZIZ, Editor, *The Observer*,

To—The Deputy Commissioner, Lahore.

In compliance with your letter no. 6268, dated 11th October 1907, I have the honour to submit herewith a statement of my views on the proposals of the Government of India in regard to the establishment of Advisory Councils, the enlargement of Legislative Councils, etc.

'ABDUL 'AZIZ,
Editor, "The Observer."

Note on the reform scheme of the Government of India, by Shaikh 'Abdul 'Aziz, B.A., Editor, "The Observer," and Fellow, Punjab University, Lahore.

Importance of the scheme.

No document published in this country in recent times has attracted greater public attention than the letter of the Government of India, dated 24th August 1907. Ever since its publication more than two months ago, it has formed the one interminable topic of free and unrestrained criticism, and a sharp controversy still continues to range round its main issues. Though it has met with opposition, at once strenuous and self-interested, on the part of one section of the Indian community, it is significant that another section, and an equally important one, has welcomed it with no less enthusiasm. Indeed, the intense interest which it has excited is fully justified, no other official measure having ever before touched such dear interests of the people so vitally. The Councils Act of 1892 has been in operation for the last 15 years; and the British Government in India is now about to review the policy embodied in it, to revise it in the light of past experience and, with the object of keeping abreast of the spirit of the age, to take yet another step in the direction of more intimately associating the people of the country with the work of administration. It was quite natural that on an occasion like this, the voice of the public should have made itself heard with peculiar force. Communities, whose interests had not been hitherto adequately considered, have hailed it with satisfaction; but others, who had usurped undue preponderance in the Council Chambers of the Empire, are resentful. It is, however, necessary to warn Government against overrating the significance of the agitation of interested persons, who represent no one except themselves and who are either hopelessly out of touch with the masses or deliberately blind to their interests. In fact, the clamour raised against the proposals of Government is the creation of a class of politicians who would apply school-boy maxims of Western politics to India without considering that the past traditions and the present social and political circumstances of the Orient so entirely differ from those of the Occident.

Muslim attitude.

2. At the very outset, I must convey to Government the sense of thankfulness which the Indian Muhammadans have received by its proposals. They have held meetings all over the country to express their appreciation of the recognition accorded by Government to the just principle of separate communal representation. India is inhabited by numerous races, with "a thousand varieties of circumstance and feeling and custom"

and in different stages of political and educational progress; and yet the existing system of election and nomination to the councils was introduced in utter disregard of this paramount fact. The inevitable consequence has been that the scale has unduly inclined in favour of the Hindus. As I have said elsewhere, Muhammadans feel that unless the people in this country, by a process of progressive development, arrive at a stage of organic social evolution at which all distinctions of religion, race, and custom would merge in the popular mind into one dominant idea of territorial Government on Western principles, the British Government should not, in view of the very peculiar position it occupies in India, so utterly ignore these distinctions as to treat the Hindus and Muhammadans for all administrative purposes as one nation, nurtured in a uniform political atmosphere, having a community of interests, and governed by similar notions of temporal advancement. If, then, the very broadly marked distinctions, writ large by the differentiating hand of past history and further emphasised by recent occurrences, between the Hindus and the Muhammadans, as to their race, religion, social institutions, and political aspirations, are real and cannot be ignored, the English Government, as the arbiter of their destinies in this country, must so hold the balance between the two as not to allow one of them to entirely outweigh the other. So far Muslim interests have grievously suffered, but the proposed reforms are a proof that Government has at last realised that the existing system does not permit of Muhammadans securing the representation, which is their due and of which it was never intended to deprive them.

Agreement with general principles.

3. Before proceeding to a detailed consideration of the scheme, I must emphatically express full concurrence with its general underlying principles. They cannot but commend themselves to the patriotic sense of the Indian community. That the motives of Government are beyond suspicion will be readily recognised by those who are neither England's irreconcilable enemies nor theorists, but are proud to live under the protection of the British flag and take a common-sense view of things. They will not fail to perceive that the reforms in contemplation, while preserving intact the stability of English rule in India, aim at securing the co-operation of the *real* leaders of the people in carrying on the administration of the land, and mark a distinct step forward in the political training of the Indians. I need not discuss all of them here in detail, but will confine myself to a consideration of only such of them as are comparatively of great importance or need modification, or about the efficacy of which I am in doubt. A general agreement with the proposals may be understood to be implied at points that are left out in this note. The questions covered by the Punjab Government letter no. 2643-S, dated 27th September 1907, are considered below *seriatim*.

4. *Question* (1) I. *Imperial Advisory Council*.—The idea of establishing an Imperial Advisory Council, for reasons stated in paragraphs 3 and 4 of the Government of India letter and with the double object of drawing out responsible Indian opinion on measures in contemplation and of diffusing correct information upon the acts, intentions, and objects of Government, is one that will thoroughly commend itself to all. No Government can afford to remain in ignorance of the opinions of its subjects regarding its policy and measures, and though even now officers of Government "have made it their business" to elicit such opinion and to profit by it, still it is incontrovertible that the present system is defective in conception and haphazard in application. If, instead of this, "a determinate body of advisers" were organised, it would focus Indian opinion in one place and offer a handy means of ascertaining the trend of popular feeling concerning the questions of the day. Moreover, it will enable Government to take into confidence, through their natural leaders, the people who are easily misled by the professional agitator. With his proverbial credulity, the average Indian is apt to believe in the distorted version of the acts and intentions of Government not infrequently dished up for his consumption by politicians of the extremist type, and the importance of a measure calculated to counteract the evil cannot be exaggerated. I have no hesitation in agreeing to the proposal of establishing an Imperial Advisory Council.

5. But while accepting as sound and expedient the principle of establishing an Imperial Advisory Council, and supporting the proposals regarding the assignment of its duties, I would submit that the constitution laid down for it in clause 3 of paragraph 5 of the Government of India letter is open to objection. Pointed attention is solicited towards the following:—

(*i*) The idea is to confine the membership of the council practically to the ruling Chiefs and the territorial magnates. This will detract from its representative character, and its views and deliberations will fail to command general confidence. Notwithstanding that "higher education has penetrated to circles which a generation ago had hardly been affected by its influence," it is undeniable that the ruling Chiefs and the territorial magnates, *as a class*, are still standing aloof from the new social and political conditions which affect the course of Indian affairs, and they can never be trusted to present to Government the point of view of the more progressive classes—classes who already enjoy great influence and whose importance is steadily

on the increase. Apart from this, Government has itself recognised the legitimate claims of these very classes for representation in the Provincial Advisory Councils, and there is absolutely no reason why the constitution of the Imperial and Provincial Councils, which are to perform identical functions though in different spheres, should be so materially at variance with one another. The Imperial Advisory Council, like the Provincial Councils, should be truly representative of all interests in the country, though the ruling Chiefs and the territorial magnates may deserve special consideration in the matter of allotment of seats.

(*ii*) In spite of this concession, a proportion representing full one-third of the total seats is abnormally large for the ruling Chiefs; and if out of 60 members 20 be ruling Chiefs, the remaining number will be too small to allow of a proper representation of other interests, such as land, industry, commerce, learned professions, etc. Besides, the common interests which have arisen between British territory and the Native States are neither so numerous nor so strong as to call for the appointment of 20 ruling Chiefs; 15 should be enough, and perhaps some would consider even this number excessive.

(*iii*) A public declaration as to how the representation of the various classes and communities will be secured in nominations to the Advisory Council is indispensable. It is most essential that, having safeguarded the interests of minorities in the Legislative Councils, Government should not hesitate to apply the same rule to the Advisory Council as well. That will allay public apprehensions in the matter and ensure equitable representation of all sections of the people.

6. *Question* (2). II. *Provincial Advisory Councils.*—After what has been said above it is not necessary to repeat the reasons for which, I think, Provincial Advisory Councils would be useful institutions. I support the proposals of the Government of India detailed in paragraph 6 of their letter and of the Punjab Government embodied in paragraph 4 of their letter, with the suggestion that these councils too will inspire general confidence only if a proportion were fixed definitely, though approximately, in which various interests would be represented on them.

7. *Question* (3). III. *Imperial Legislative Council.*—Every fair-minded publicist in India will warmly approve of the proposed enlargement of the Imperial Legislative Council. This will greatly enhance its measure of usefulness and enable its decisions to carry increased weight with the people at large. But, in my humble opinion, the constitution of the council, as laid down in paragraph 12 of the Government of India letter, is capable of improvement in one or two important respects, my chief objection to it being the extremely inadequate representation which it concedes to the Muhammadan community. Government has recognised that the system of promiscuous election and nomination to the councils has deplorably failed to secure for the Indian Musalmans a degree of representation at all commensurate with their numbers and importance. Having once proposed to set apart a fixed proportion of seats for the Muhammadans, for which they are grateful, it is in the fitness of things that this representation should be adequate. For if such an essential desideratum is wanting, Government will have incurred the displeasure of a class of Indian politicians without having in any way materially benefited the Musalmans. While, therefore, strongly favouring the proposal of giving separate representation to the Muhammadans, I urge with equal emphasis that the number of seats set apart for them should be raised to at least 6. According to the constitution suggested in the Government of India letter, I believe, the maximum number of Muhammadans who can be at all returned to the Imperial Council is 6, *i.e.*, 2 under head E, 2 under sub-head (*d*) of head D, and 2 under sub-heads (*b*) and (*c*) of head D, as it is only in the Punjab and Eastern Bengal that there is any possibility of Musalmans being selected in open elections also. But if the council is to have 53 members, surely 6 is too small a number to properly safeguard the admittedly large interests of Indian Musalmans. If after waiting so long, and in spite of the assurances held out to them and the jubilations expressed by Muslim meetings, the enlarged council is to be framed on the lines of Government proposals, Muhammadans will not find their position improved. Their gratification will have been expressed at a mere shadow and, it is to be feared, their future disappointment and anguish will be even keener than their present satisfaction. To give them 8 seats is by no means an unduly large number for a community of the "weight" of the Muhammadans: I would plead for 6 seats being set aside for them by raising the number of seats to be filled by the election of Muhammadans (sub-head) (*d*) of head (D) from 2 to 4. This will be bare justice, and it will relieve Muhammadans of the anxiety still rankling in their hearts.

8. As my humble suggestion, if accepted, will necessitate a readjustment of the entire constitution, the following three alternative scheme may be proposed, instead of that laid down in paragraph 12 of the Government of India letter, the maximum strength

of the council in (*i*) and (*ii*) being 53 (or 54, including the Viceroy) and in (*iii*) 57 (or 58, including the Viceroy):—

	Government proposal.	My three alternatives.		
		(*i*)	(*ii*)	(*iii*)
A.—*Ex-officio*	8	8	8	8
B.—Additional officials	20	19	19	22
C.—A Ruling Chief	1	...	1	1
D.—Elected members—				
(*a*) by Chambers of Commerce	2	2	2	2
(*b*) by non-official provincial members	7	7	7	7
(*c*) by nobles and land-owners	7	7	7	7
(*d*) by Muhammadans	2	4	4	4
E.—Nominated non-officials, including at least 2 Muhammadans	4	4	4	4
F.—Nominated experts	2	2	1	2
Total, excluding His Excellency the Viceroy	53	53	53	57

9. With reference to alternative no. (*i*) it may be explained that the figure for additional officials has been curtailed from 20 to 19 and the ruling Chiefs removed altogether from the Legislative Council. A loss of one in the former will still leave Government members in the majority and, even admitting for the sake of argument that all other members (whether nominated or elected) were to oppose a Government measure unanimously—a most improbable contingency—Government will nevertheless command a majority of 28 against 26, including the Viceroy's vote, so that the number of seats, reserved for officials to be nominated by the Viceroy, can be reduced from 20 to 19 without weakening the position of Government. The proposal of always having in the council a representative of the ruling Chiefs is open to grave objections. Their proper place is the Advisory Council, but that they should take active part in legislation for British India, with conditions of life in which they are so little acquainted, is wrong in principle and will be of doubtful utility in practice. But if on any special occasion it be necessary to have a ruling Chief in the Imperial Council, the Viceroy will be able to nominate one under head E (nominated non-officials).

10. As regards alternative no (*ii*), the only difference between this and no. (*i*) is that the ruling Chief may be retained if objections to his nomination do not appear valid in the eyes of Government, and instead the number of experts may be reduced from 2 to 1, the Viceroy always having the option, if necessary, of nominating more than one expert under head E.

11. If, however, neither of the two alternatives (*i*) and (*ii*) commend itself to Government, and it be deemed inadvisable to omit the ruling Chief or to reduce the number of either of the additional officials or the nominated experts, I would still urge the necessity of giving two or more representatives to the Muhammadan community. This may be accomplished in another way by raising to 4 the number of Muhammadans to be elected under (*d*) D, and to obviate the chance of reducing the official majority, the number of additional officials to be nominated by the Viceroy (B) may be at the same time increased from 20 to 22, as per alternative (*iii*). This will raise the strength of the Council to 57 (consisting of 30 officials and 27 non-officials) in place of 53 (consisting of 28 officials and 25 non-officials). An increase of 4 in the total strength is not at all large; and if a council of 53 is not an unwieldy body, then one of 57 too is not so; and if 20 officials "of the requisite standing and experience can, without detriment to the public service, be spared from their regular duties for attendance in Legislative Councils" then 22 of them may be also deputed for the same duty.

12. *Question* (4).—I entirely agree with the proposal that one member should be elected by the Provincial Legislative Councils as proposed in paragraph 13 of the letter.

13. *Question* (5).—The attitude of the Government with regard to giving substantial representation to the great land-holders is unexceptionable, and it is proper that a class of men who constitute the aristocratic and stable elements in Indian society should have their share in the legislative work of the country. The proposal that one of the great land-owners of the Punjab should be appointed to the Imperial Council is eminently reasonable and selection should be made by election, a special provincial electorate of land-owners, who pay not less than Rs. 5,000 as land revenue, electing one out of their number. At present there are but 52 land-owners possessing this qualification, and any attempt to further raise the limit of land revenue will narrow down the electorate to such an extent as to hardly justify the grant of the invaluable privilege of nominating a representative to the Imperial Council.

14. *Question* (6).—This question has been already discussed in part (above paragraphs 7 to 9), and I have expressed myself in entire agreement with the proposal of setting aside a fixed number of seats for Muhammadans, pointing out at the same time that the number so fixed should be 6—4 under D (*d*) and 2 under E. The latter 2 will be filled by nomination, the former 4 by election by the following provinces:—(*i*) Punjab, (*ii*) the United Provinces, (*iii*) Bengal and Eastern Bengal by rotation, and (4) Bombay and Madras along with the Central Provinces by rotation.

15. As regards the electorate for the Muhammadan members, I am of opinion that it should not be confined to the Muhammadan non-official members of Provincial Councils. Their numbers will be extremely small, and there is a possibility of its not exceeding one sometimes. The proposals may have the merit, as the Government of India remark, "of being uniform with the system under which the other non-official members are elected by the members of the Provincial Councils." But it would be unsound to sacrifice efficiency to uniformity. It will be best to form a special electorate, consisting of Muhammadan non-official members of the Provincial Councils, Muhammadan fellows of the local university, Muhammadans paying income-tax on an income of Rs. 25,000 a year or corresponding land revenue, and registered Muhammadan graduates of not less than ten years' standing.

16. *Question* (7). IV. *Punjab Legislative Council.*—The reform scheme under discussion naturaly includes the question of enlarging the Provincial Councils, and there can be no two opinions as to the desirability of expanding the Punjab Council as well. Its present maximum strength of 10 members, including His Honour the Lieutenant-Governor, is quite insufficient to satisfy the demand for representation of all classes and interests, and it will be in keeping with the spirit of the age and the changed aspect of public affairs in the Punjab to enlarge its Legislative Council. Taking everything into consideration, my humble suggestion is that the council should have 26 members (or 27, including His Honour the Lieutenant-Governor), comprising 14 officials and 12 non-officials.

17. *Question* (8).—I am strongly opposed to the application of the system of election to the Punjab. This province is not yet sufficiently advanced for it, and, notwithstanding the rapid progress made of late, we are still very backward as compared with other Indian provinces. The system of nomination is by no means an ideal system, but, to my mind, it presents the lesser of two evils. If the mistakes of other provinces are not to be repeated in the land of five rivers, and if the Punjab Government is to avoid the embarrassments of other Provincial Administrations, Government should be in no hurry to grant the privilege of election for the local council to a population who cannot exercise it with advantage. I would, therefore, retain the present system of nomination, regard being always paid by Government, in making nominations, to the relative importance of various interests and communities and their respective claims to representation. But if it be considered necessary to adopt the elective method here also, I would introduce it gradually and, at the start, reserve some seats for being filled by nomination. This point is further explained in the answers to the next two questions.

18. *Question* (9).—As regards the allotment of seats to different classes, I think the only reasonable course is to fix seats according to religious communities and not different classes. We have not yet arrived at that stage of progressive development in national evolution, when the line of demarcation between the various classes becomes finally marked. At present, one class imperceptibly merges into another and the only distinct difference is the religious difference. Religion is the sole basis on which the entire superstructure of Indian society in the Punjab is mainly reared. Of course, there can be no objection to the fixing of proportion for various classes *within the different communities* after the number of members for the communities themselves has been settled. Having assigned its share to each community, the latter may be sub-divided into various groups according to classes and the number of seats for these groups specified. But promiscuous election by classes, consisting of Hindus and Muhammadans, would be a retrograde step in certain respects, adding to the difficulties of Government and making it possible for some interests to be disregarded.

19. Having suggested the fixing of non-official seats for various communities, I would divide them further as follows:—

Muhammadans	7
Hindus, inclusive of Sikhs	4
Christians	1
TOTAL	12

As is shown in the Punjab Government letter (paragraph 8), Muhammadans constitute more than half the population of the Punjab. Moreover, their historical and political importance in this province is unquestioned. In view of these two prominent facts, it is not too much to claim for them 7 out of 12 non-official seats. Of the remaining 5 seats, 4 ought to be assigned to the Hindus (including Sikhs) and 1 to the Christians. It is worth noting that the Hindus and Sikhs are, for all practical purposes, one community, and there is absolutely no justification for treating them as different communities, requiring separate representation in the councils of the country. The Christian community in the Punjab, as apart from the officials—the majority of whom will be Christians—is numerically too small to claim separate representation; but it has to be admitted that its interest and influence are more important than its numbers, which demand the setting apart of one seat for its members.

20. I advocate the allotment of seats according to communities, but if any division is to be made according to classes, then the case of the agriculturists will be entitled to special consideration. They largely preponderate in the province, supply valuable material for His Majesty's Indian army, and form in some respects the most important element of the population. Particular care will have to be taken that their claims are not overlooked.

21. *Question* (10).—As said above, I am opposed to the introduction of the elective system in the Punjab. But if Government ultimately decide to try the experiment here too, either of the following two alternative methods (A or B) may be adopted for the constitution of the council:—

A.—(*i*) By election—	
(*a*) by municipal committees	2
(*b*) by big land-owners	2
(*c*) by Muhammadans	3
(*d*) by large traders	1
TOTAL	8
(*ii*) By Government nomination, care being taken that the total number of Muhammadans does not fall short of 7 out of 12	4
TOTAL	12
B.—(*i*) By election by special electorates of—	
(*a*) Muhammadans	4
(*b*) Hindus and Sikhs	3
(*c*) Christians	1
TOTAL	8
(*ii*) By Government nomination of—	
(*a*) Muhammadans	3
(*b*) Hindus and Sikhs	1
TOTAL	12

In suggesting the above division of seats between the different communities, the following points have been kept in view:—

(*i*) Whichever way of filling the seats be adopted, it is necessary that the number of seats allotted to each community should be definitely settled.

(*ii*) Only a portion of all non-official seats should be thrown open to election by municipal and none by district boards.

(*iii*) I am strongly of opinion that it would be dangerous to introduce the political element in the University, "which is constituted for purely educational objects." It consists of conflicting and heterogeneous elements, and it would be unwise, in the Punjab at least, to throw the apple of discord in the Senate Chamber.

(*x*) The special electorates referred to above should be constituted by separate lists being prepared of Muhammadan, Hindu, and Sikh and Christian voters. The following classes should be admitted to the franchise:—

(*a*) All who pay land revenue of Rs. 500 a year or above.

(*b*) All payers of income-tax on incomes of Rs. 2,000 a year.

(*c*) All registered graduates of the Punjab University of more than five years' standing.

22. *Question* (11).—I advocate separate representation of communities and not classes, and would carry it in the manner suggested in answer to question 10. In this country, where not infrequently associations spring into mushroom existence and where so many of them have no real hold on the public and cannot be said to represent the people in their corporate capacity, the task of selecting bodies deserving to be consulted in the preparation of lists of voters will be most difficult and leal to invidious distinctions. It will be quite sufficient to lay down the general qualifications of voters and to prepare lists accordingly.

23. It will be inadvisable to confer the privilege of election on district boards, nor will it be right to throw open all seats to election by municipal committees. All the same there are cogent reasons for altering the constitution of district and municipal boards. These at present are most defective, and the fact is indisputable that gentlemen of light and leading do not offer themselves as candidates for them. Municipal boards are swamped by men who secure victory by means of the most questionable character, and party cliques and racial factions dominate their deliberations. It is impossible for any improvement to take place in their condition until their constitutions be radically changed. This is all the more necessary in view of the fact that the constitutions of the enlarged Provincial Councils are to depend, to some extent at least, upon those of municipal and district boards. The principle of assigning a fixed proportion of seats to each of the leading communities into which the population is divided is already in vogue in some places and each community selects its own representatives. Wherever this is done, the results obtained are most satisfactory, and it is time the system were extended to all committees throughout the country. Promiscuous elections are a source of friction and operate to the disadvantage of certain sections of the people. They ought to be replaced by a system enabling Hindus, Muhammadans, and Christians to elect their own representatives in fixed proportions.

24. *Question* (12).—As stated above, I am in favour of giving separate representation to the Muhammadans, and the electorate for this should be the same as suggested in answer to question 9. But I cannot let this opportunity pass without respectfully protesting against the hint conveyed in paragraph 5 of the letter of the Punjab Government, implying that the question of the members of special Muhammadan electorates being allowed to vote in the open elections also is at all a debatable one. As I read the proposals of the Government of India, I find myself unable to put upon them any construction except that 4 seats are specified for the Musalmans *to make up for their deficiency*, because it is probable that a small number of them will "be able to secure election in the ordinary manner" as well, and it is to supplement this small number that Government proposes to set apart 4 additional seats specifically for them; so that 4 will be their minimum under all circumstances, but does not represent their full numbers. But if Muhammadan voters be not allowed to vote at the open elections also, no Musalman will be returned over and above these 4, though the total strength of the council will exceed 50. It is, I believe, enough to point this out to prove the utter absurdity of a system whereby the Indian Musalmans may be so inadequately represented. The new scheme, instead of doing any good to them will in that case make their position still worse. I therefore submit that it will be entirely subversive of one of the most important principles determining the whole scheme to deprive Muhammadan voters of their right to vote at the open elections also along with other sections of the people. The question is not a debatable one, and it should not have been opened in the way it has been.

25. *Questions* (13) *to* (15). V. *Discussion of the Budget.*—My answers to questions 13, 14, and 15 are in the affirmative.

LAHORE:

ABDUL AZIZ.

The 11*th November* 1907.

Dated 8th November 1907.

From— MIAN MUHAMMAD SHAFI, Barrister-at-Law, Lahore,

To—The Deputy Commissioner, Lahore.

As desired by Mr. Mant in his no. 6268, dated 11th ultimo, I enclose herewith a memorandum containing my opinion on the proposals of the Government of India for the establishment of Advisory Councils and the enlargement of the Indian Legislative Councils.

MUHAMMAD SHAFI.

The Proposed Indian Councils Reform.

I. *The Imperial Advisory Council: paragraphs* 4 *and* 5 *of the Government of India letter; paragraph* 3 *and question I* (1) *of the Punjab Government letter.*—The establishment of an Imperial Advisory Council on the lines sketched in paragaphs 4 and 5 of the Government of India letter will, I am confident, prove a source of considerable benefit to the Government as well as the Indian people. As I understand the proposal, the council will be a purely advisory one, without possessing any legislative authority, and is intended not only to enable the Government to acquire, through the hereditary leaders of the people, a closer and more correct knowledge of the feelings and the needs of the masses, but to provide an agency for the diffusion of correct information concerning the acts, intentions, and objects of the Government as well. To me it is absolutely clear that the educated members of the urban population in this country cannot be looked upon as real representatives of the people inhabiting rural areas and are not in a position to voice the true feelings of those with whom they have so little in common. Of course, I am not here referring to that class of educated gentlemen who belonging to rural families and having their homes in villages have, for purposes of service or the professions adopted by them, taken up their abode more or less temporarily in the larger towns of the country and, therefore, stand on an entirely different footing from the class of non-agricultural urban residents to whom I have alluded above. It is gentlemen belonging to leading families of land-owners who are really in a position to supply true information as to the feelings of the vast rural population and, if properly selected, to give sound advice in matters concerning the agricultural communities. Moreover, being in close touch with the people, it is they who can best explain to the masses the intentions and objects of the Government with reference to any measure which the Government may have in view. The appointment of these natural leaders of the people residing within British India to the proposed Imperial Advisory Council in order to act as councillors of the Government as well as exponents of its intentions and policy to the people at large in matters of Imperial interest is, to my mind, a step in the right direction, calculated to be a source of great good to the country.

The proposal to allot a certain number of seats on the Imperial Advisory Council formed for purely consultative purposes to ruling Chiefs is one which, on the whole, has my hearty approval. As the council will not be vested with any powers of legislation for British India, and as in certain matters, some of which are mentioned in the Government of India letter, the Imperial interests involved are common to British India and the territories of the ruling Chiefs, it seems to me to be an act of sound policy to associate a certain number of the ruling Princes with the Government and the territorial magnates representing British territory in the kind of functions which the Imperial Advisory Council is intended to perform. I am, however, of opinion that the inclusion of as many as 20 ruling Chiefs in a council consisting of 60 members is hardly necessary or even wise. Bearing in mind the relative importance of British India as compared with the territories of the ruling Chiefs, the preponderance of British interests, the exigencies and possibilities of the future, and the requirements of Imperial policy, I would not allow the number of seats to be allotted to the Indian Princes to exceed a quarter of the entire number constituting the Imperial Advisory Council.

That all the members of the Advisory Council should be nominated by His Excellency the Viceroy is, in my humble judgment, a necessary result of the principles underlying the very constitution of the council, and is, to my mind, an extremely necessary as well as a salutary provision. I doubt not that in making these nominations His Excellency will take into consideration not only the numerical strength but also the political importance of the various communities constituting the vast population of the Indian peninsula.

With the rest of the proposals enunciated in paragraph 5 of the Government of India letter I am entirely in accord, and believe that a council thus constituted, if worked on proper lines and within due limits, will form a very useful factor in the machinery of administration in India.

II. *The Provincial Advisory Council: Government of India letter, paragraphs* (6) *and* (7); *Punjab Government letter, paragraph* (4), *and question II* (2).—For the reasons mentioned above, I consider that a Punjab Provincial Advisory Council will be a useful institution. The number of members as proposed in paragraph 4 of the Punjab Government letter and the general lines of the constitution of the council as laid down in paragraph 6 of the letter issued by the Government of India appear to me to be unexceptionable. The method of appointment of members to the Provincial Advisory Council being by nomination, and rightly so, it is to be hoped that, in making these appointments, the Government will bear in mind not only the interests of the agricultural, commercial, and other classes inhabiting the Punjab, but those of the Muhammadan community as such, in view not only of its numerical preponderance in this province, but of its political importance as well.

III. *Enlargement of the Imperial Legislative Council: paragraphs* (8) *to* (19) *of the Government of India letter; paragraph* (5) *and questions III* (3) *to* (6) *of the Punjab Government letter.*—The proposal to enlarge the Imperial Legislative Council is one which ought to meet with the hearty approval of all who are capable of forming an

independent judgment on questions of vital importance to the proper administration of the country. The council as at present constituted is not only not sufficient for the proper representation of the various communities and interests, but does not give adequate scope for the legitimate aspirations of the peoples of India. Without such expansion as is rightly proposed by the Government, the complaints which one so often hears from the platform and in the press will continue to disturb the political atmosphere; while, on the other hand, the enlargement of the Indian Legislative Councils, on proper lines and with necessary safeguards, will result in winning away a large number of those who are moderate in their political opinions and aspirations from the ranks of the malcontents and in bringing the vast majority of the thinking public still closer round the banner of the British Government. The absolutely irreconcilable minority will not, of course, be contented with these reforms nor, for the matter of that, will any measure of reconstruction of the administrative machinery, short of what they so unreasonably cherish and long for, satisfy their chimerical hopes and expectations. But if, as I trust, these proposed measures will bring contentment to the vast majority of the Indian population, the discontented minority may be safely ignored, for nothing that the benign Government may legitimately concede will ever please these revolutionaries. Given sufficiently large councils for the purposes of legislation in the country, with the various Indian committees and interests adequately represented thereon, all right-minded men will come to recognise the fact that the Government has done all that the real well-wishers of the country may, under the existing circumstances, reasonably demand, and this recognition by the vast majority of the justice of the measures introduced by the Government will bring an amount of satisfaction and contentment amongst the people which it is extremely difficult at present to measure.

I gladly accept the reasonablenes of the principle which recognises the necessity of reserving a majority of seats on the Imperial as well as Provincial Legislative Councils for the representatives of Government. I further regard it as necessary that the official majority "should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member." The proposal is undoubtedly based on sound policy and is absolutely essential for the security as well as stability of the British Government in India, and no right-minded British subject can take any exception whatsoever to a principle the necessity and justice of which are apparent, a principle which all Governments of all countries and in all ages have and cannot but have kept in view.

Question (4).—The proper representation of all the more important provinces on the Imperial Legislature is an obvious necessity, and any proposal of Government to secure such representation cannot but meet with universal approval. And as the Provincial Councils themselves enlarged under the proposed scheme of reform will include amongst their elected as well as nominated members a number of gentlemen who will be representative of the people of their provinces even to a greater degree than those who now have the honour of occupying seats on these councils, it is in the fitness of things and consistent with political principles to have upon the Imperial Legislative Council one representative of each of the Provincial Councils, elected by the non-official members thereof. The proposal, therefore, has my hearty support.

Question (5).—The population of India is, in the main, agricultural, and, in consequence, agricultural interests must naturally predominate in this country. And not only is this so merely from a numerical point of view, but the manhood of the country, the sources which supply its martial strength, and the natural resources with which God has endowed our country are to be found amongst the agricultural portions of the Indian continent. It is, therefore, one of the foremost principles of Indian administration to secure to the agricultural majority, rural as well as urban, due representation on the various Legislative Councils of the country, so that their interests might be adequately represented and safeguarded in whatever legislation the Government may undertake. And as the larger land-owners are undoubtedly the leaders of this portion of the Indian population and, living in their midst, are thoroughly well acquainted with their wishes and needs, the election by them of a representative from each province to the Imperial Legislative Council is obviously and exceedingly sound and necessary proposal. This is particularly true of our province of the Punjab where agricultural interests, numerically as well as politically, overwhelmingly predominate, and, in consequence, I entirely approve of the election of one of the great land-owners of this province to the Imperial Legislative Council. The electorate therefore should be neither too small nor so wide as to create undesirable confusion. Bearing in mind the fact that this is a province comparatively of small farmers, and that land-owners of the status of the Bengal zamindars and the Oudh taluqdars are, in this part of the country, exceedingly rare, I am strongly of opinion that the qualification of land-owning electors should in no case whatsoever exceed Rs. 5,000 in land revenue, and the amount of revenue realized or remitted for political and other services should be included when calculating the amount payable by each of the land-owners who may claim a vote under this head.

Government of India letter, paragraph 12 (2) (*c*).—The proposal contained in paragraph 12 (2) (*c*) of the Government of India letter, *i.e.*, the appointment of a ruling Chief on the Imperial Legislative Council, is one which, in my humble opinion, is open to serious objection. The Legislative Councils, Imperial as well as Provincial, are intended for the enactment of laws for the territories administered by the British Gov-

ernment for the discussion of the Budget in relation to those territories, and for the regulation of other matters appertaining to the provinces directly under the control of the Government of India. The laws they enact may or may not be adopted by the ruling Chiefs in their own States; the system of administration of these laws prevalent in British India may or may not be introduced by the Indian princes in their own territories. The Chiefs who rule over the various Native States are themselves absolutely out of touch with the subjects of the British Crown residing in British India and are in consequence not conversant with nor capable of representing their wishes and needs. And while I gladly recognize the loyalty of the present Chiefs to the Suzerain Power, and sincerely trust that they will continue to entertain towards the British Crown these healthy sentiments and feelings with which they are now inspired, I cannot regard this vital question from the point of view of sentiment only. As one who is out and out a sincere well-wisher of the British Government, I cannot but point out that the presence of ruling Chiefs in the Indian Legislative Councils is a factor which might, some day, become a source of embarrassment and anxiety to the Government. *Concessions* made from motives having their origin in pure sentiment are, in the process of time, liable to be looked upon as *rights*, particularly when embodied in Statutes, as I presume the present scheme will be. And I emphatically deny that any Ruling Chief has any *right* whatsoever to take part in legislating for the British territories. Legislative assemblies may be started by the Indian Princes in their own dominions: Mysore has already set the example. A fearful outcry would, I am positive, be raised if the British Government were to demand the appointment of one of its own representatives in these assemblies. Cries of undue interference, of treaty rights infringed, and of the paramount power seeking to usurp a right to which it was in no way entitled would be raised on all sides. A certain section of the press would characterize such a state of things as simply intolerable. Why should, then, the ruling Chiefs have a voice in the legislation for purely British territories when neither the necessities of the situation nor the requirements of Imperial policy call for the introduction of this, what I cannot help calling foreign element into the British administration? Looking at it from every point of view, I, for one, cannot find any justification for this dangerous innovation, and would, therefore, strongly urge upon the Government not to enact a provision of the contemplated reforms of the Indian councils which is open to grave objections and which, if once enacted, will bring about a position from which it will be simply impossible to recede in the future, near or remote, no matter what complications or difficulties it may lead to.

Question (6).—In conceding to the Muhammadan community the right of separate representation in the spirit of the reply graciously given by His Excellency Lord Minto to the All India Muhammadan deputation, of which I had the privilege of being a member, on the 1st October 1906, the Government of India are not only securing to the most important Indian minority a measure of representation in the councils of the country to which it is equitably entitled but they are winning the still deeper gratitude of that part of the Indian population which has over and over again demonstrated its deep-rooted loyalty to the British Crown. Past experience has proved it beyond a shadow of doubt that given a promiscuous system of representation by election, the Muhammadan community, and for the matter of that any other minority, *e.g.*, Christians, cannot hope to succeed in placing one of their *real representatives* on the Legislative Councils of India. It is, therefore, absolutely essential that our benign Government should see that the various councils are so constituted as to allow of an adequate representation of the loyal Muhammadan community, not only proportionate to its numerical strength, but to its political importance as well. For these reasons while I gratefully welcome the proposal of the Government of India to reserve a certain number of seats on the Imperial Legislative Council for my community to be filled partly by election and partly by nomination, I regard the 4 seats, at present proposed to be allotted to the Musalmans of India, as inadequate to meet the justice and the necessity of the case. The success of Muhammadan candidates for election under the other heads being, as experience has already shown, an extremely doubtful matter, the presence of 4 Muhammadan councillors in an assembly of 54 is not calculated to serve the purpose which the Government has in view and to give the community its due share of representation on the Imperial Legislative Council. I would, therefore, respectfully submit that at least 6 seats should be reserved for the Indian Muslim community—4 to be filled up by election and 2 by nomination by His Excellency the Viceroy. To bring this proposal into effect a redistribution of the seats as at present laid down in paragraph 12 of the Government of India letter will, of course, become necessary, and I venture to submit the following alternative schemes, either of which may easily be adopted without doing the slightest violence to any of the main principles underlying the scheme of reform as proposed by the Government of India:—

(*a*) *Ex-officio* members 8; additional officials 19; elected members as at present suggested in paragraph 12 (2) (D), with the modification that 4 seats be allotted to Muhammadans instead of 2; non-officials to be nominated by His Excellency, not less than 2 of whom to be Muhammdans, 4; and 2 experts, or

(*b*) *Ex-officio* 8; additional officials 21; and the rest as above, thus making up the total of 55, instead of 53, exclusive of His Excellency the Viceroy.

The constitution of a special Muhammadan electorate for the election of Muhammadan representatives on the Imperial Council is a question which is not altogether free from difficulty. On a full consideration of the matter, I am of opinion, that the said election should not be left to the Muhammadan non-official members of the Provincial Councils alone. Such an electorate would not only be too small, but would not be considered as truly representative of the entire community. I would, therefore, give preference to the method sketched in paragraph 18 of the Government of India letter, with this proviso that the electors possessing the privilege of voting for the Muhammadan representatives in the Imperial Council should not be at liberty to vote for an outsider, but *should elect the said representative from amongst themselves*. As regards the class of voters referred to in paragraph 18 (*c*) of the letter under reference, I am of opinion that the limit of land revenue paid by land-owners in the Punjab vested with the right to vote should not exceed Rs. 5,000.

In connection with the question of an electorate for the separate Muhammadan representation on the Imperial and Provincial Councils, there is a remark in the Punjab Government letter which calls for special notice. Towards the end of paragraph 5 of the letter in question it is said that " in discussing the constitution of a special Muhammadan electorate, the question whether its members should or shold not be allowed to vote in the open elections also must be considered." Now, bearing in mind the observations contained in paragraphs 16 and 19 of the Government of India letter as well as the words in paragraph 17 that " in addition to the small number of Muhammadans who may be able to secure election in the ordinary manner, it seems desirable in each of the councils to assign a certain number of seats to be filled exclusively by Muhammadans," it is obvious that to deprive Muhammadan electors, who may have a voice in the election of Muhammadan representatives, of their vote in the open elections is to defeat the very object which the Government of India have rightly in view, and will result in considerable and serious injury to the Muhammadan community in general. Of course, if the number of Muhammadan members in these councils to be separately elected or nominated bore that proportion to the entire number thereof which not only the numerical strength, but also the political importance, of the community as such fully warranted, there could be no just ground for complaint in separating off the Muhammadan electorate absolutely and entirely from the open election for the rest of the seats on the various councils. But as the number of seats reserved for our community is to be fixed at a lower figure in view of the possibility of one or two Muhammadans being able to secure seats in the open election, it necessarily follows that the possession of a vote in the separate Muhammadan election should not entail forfeiture of the right to vote in the general elections, for, if this were so, it would be simply impossible for any Muhammadan candidate to secure a seat on the council under any of the other heads. I would, therefore, strongly urge that in this respect the proposal as embodied in the letter issued by the Government of India should, on no account, be departed from.

IV. *The Provincial Legislative Councils; paragraphs* (17) *and* (20) *to* (22) *of the Government of India letter; paragraphs* (6) *to* (8) *and questions* (8) *to* (12) *of the Punjab Government letter.*—For the reasons mentioned at the commencement of part III of this memorandum, I am of opinion that an increase in the number of members of the Punjab Provincial Council is desirable and will result in the council being thoroughly representation of the various sections of the population in this province. Taking into consideration the various interests, official as well as non-official, involved in the proposed scheme of enlargement, I would suggest that the maximum strength of the Punjab Council should be 26 or, including His Honour the Lieutenant-Governor, 27. And bearing in mind the desirability of having a clear official majority on the council 14 out of the 26 seats might be reserved for official members to be appointed by Government.

Question (8).—With reference to the question whether it is desirable to introduce a system of election for the filing up of the remaining 12 non-official seats in the Punjab Council, I would, taking all things into consideration, maintain the present system of nomination. Conceding in the abstract the desirability of this reform in the Legislative Councils of the country, it seems to me that time is not yet ripe for the introduction of a system of election in the Punjab. Past experience in the case of municipal boards has demonstrated beyond all doubt that the people in this province have not yet fully realised the responsibilities attached to the possession of a vote for electing representatives to the local bodies, and the results so far have been extremely unsatisfactory. I would, therefore, advocate for the present, the maintenance of the existing system of nomination of members on the Provincial Council.

Question (9).—In filling up the 12 non-official seats on the Provincial Council, I would advocate the distribution thereof amongst the various communities inhabiting the Punjab in fixed proportions. The majority of the population in this province consists of Muhammadans who, as is mentioned in the Punjab Government letter, bear a percentage of 53·3 to the total population of the Punjab. For this very reason, I presume, the Muhammadan representatives have, speaking roughly, hitherto occupied one-half

of the non-official seats on the council. And bearing in mind the fact that the political importance of our community in this province is, to say the least, proportionate to its numerical strength, I would strongly urge that at least 6 of the 12 non-official seats, should be allotted to representatives of the Punjab Muhammadan population. Of the remaining 6 unofficial members, 3 should, in my humble opinion, be Hindus, 2 Sikhs, and 1 Christian. In this manner the Hindu community will have 5 representatives on the council, for, as a matter of fact, Hindus and Sikhs constitute but one and the same community. The distribution thus suggested seems to me to be the most equitable to adopt, and would result in the due representation on the Punjab Council of the various communities inhabiting this province, bearing in mind their numerical strength as well as political importance in this part of the country. Should the Government, however, decide upon a class representation rather than on representation by communities I would, in that case, in view of the principles laid down by the Government of India, distribute the 12 non-official seats in the following manner:—3 representatives of municipal towns with a population of 20,000 or more, 3 land-holders, 4 Muhammadans, and 2 seats to be filled up through nomination by His Honour the Lieutenant-Governor.

It will be noticed that in the distribution of seats noted above, I am not in favour of conceding to the Punjab University the privilege of being represented on the council through one of its Fellows. To me it seems extremely undesirable to introduce, what I cannot help regarding as, a political element in a purely educational institution. It would not only give rise to a spirit of political partizanship in the Senate of the University, but would create complications due to the diversity of creed and race which might result in irremediable injury to an institution which has the intellectual and educational advancement of the province in its charge. Should it, however, be decided to ask the Senate to elect one member to the council, I would reduce the number of representatives of the municipal towns from three to two and would strongly advocate the adoption of a procedure which would result in the election of a Christian, a Muhammadan, and a Hindu representative of the Senate alternately.

Questions (10) *to* (12).—I have already stated that in my humble opinion our province has not yet reached that stage of political advancement in which the introduction of a system of election would be conducive to the welfare of its population. Should the Government, however, decide upon trying this experiment in the Punjab, I would not throw more than one-half of the non-official seats open to election, in case the principle of distribution by communities is adopted. If this suggestion be accepted, three of the six seats to be allotted to the Muhammadan community would then be filled up by election. And in this connection one of two alternative schemes for the formation of an electorate may be adopted—(1) The Muhammadan electors to consist of all land-owners paying a sum of Rs. 750 or upward in land revenue, including the amount remitted or realized, all payers of income-tax on an income of Rs. 2,000 per annum or more, and all registered graduates of more than five years' standing; or (2) two of the three seats to be voted for by an electorate constituted as above and one by the Muhammadan members of the Punjab municipalities. Should the latter proposal be accepted, it would be necessary to reserve a number of seats in each municipal committee for the local Muhammadan community proportionate to its numerical strength and importance, as is even now the case in Lahore, Multan, Hoshiarpur, and some other towns in the Punjab. In either case it seems to me to be necessary that the qualifications of a candidate for election as a member of the Provincial Council under this head should be fixed on a higher basis than those entitling a person to vote in such an election, and I would suggest that the candidate should either be a land-owner paying at least Rs. 1,500 in land revenue or a person paying an income-tax on an income of Rs. 6,000 a year or a registered graduate of at least ten years' standing.

In case of the adoption of either of the two above-mentioned proposals a fixed number of votes may, further, be granted to a few selected anjumans which are recognised as representatives of the Muhammadan community in their own respective parts of the province.

A similar system may be sanctioned in the case of the Christian, the Hindu, and the Sikh communities.

Should the Government, however, decide upon a class representation, on the lines sketched previously, instead of representation by communities, I would, then, suggest that of the four seats reserved for the Muhammadan community, two should be filled by election, the constitution of the electorate being based on the lines of the first scheme noted above, and two should be reserved for nomination by His Honour the Lieutenant-Governor. In case of the three or two seats as the case may be to be allotted to the municipal committees, the qualifications of the candidate for election to the council should be laid down as previously suggested. As regards the three representatives of the land-holding class, the amount of land revenue paid by the voter as well as by the candidate for election to the council should be fixed respectively at the sums already mentioned.

In reply to the latter portion of question (11) of the Punjab Government letter, I am strongly of opinion that the system already existing in Lahore and elsewhere, of allotting a fixed number of seats on the municipal committees to the Muhammadan and

Hindu communities, to be voted for by the members thereof separately, should be extended to all municipal towns throughout the Punjab. The complaint is almost universal that wherever a system of promiscuous election prevails, Muhammadan candidates have, owing to diverse causes which need not be detailed here, very little chance of success in the elections, in consequence whereof our community is not at all properly represented on those municipalities.

V. *Questions* (13) to (15).—My answers to the last three questions noted in the Punjab Government letter are in the affirmative. With referenec to the fourteenth question, however, I am of opinion that the discussion of the Provincial Budget, to be introduced for the first time in the Punjab Council, should not be by different heads in the manner suggested in paragraph 23 of the Government of India letter, but should be conducted on the lines hitherto adopted in the Imperial Legislative Council.

VI. In conclusion, I desire to avail myself of this opportunity to offer my most sincere thanks to the Government of India for the proposed reforms in the constitution of the Indian councils which, to my mind, mark a distinct step forward in the political development of this country. The step thus taken spontaneously by the Government of His Excellency Lord Minto should convince all right-minded persons of the readiness of our rulers to concede to His Imperial Majesty's subjects in India those political rights and privileges of which they may prove themselves worthy by reason of educational and general advancement. My co-religionists, whose feelings I am in a position to gauge and on whose behalf I may claim the privilege of speaking, gladly recognise the generosity and beneficence of the British Government in introducing such momentous constitutional changes in the administration of this country, and are sincerely grateful to their rulers for this priceless boon which the Government is about to confer on the subject races in India. That such a generous gift as this ought to bring happiness to all Indians, irrespective of caste and creed. I fully recognise that it will help to bind the loyal Muhammadan community still closer to the Government, I am positively certain.

LAHORE: MUHAMMAD SHAFI,
The 9th November 1907. *Barrister-at-Law.*

No. 100, dated Lahore, 11th November 1907.

From—LALA RAM SARAN DASS, son of R. B. MELA RAM,

To—The Deputy Commissioner, Lahore.

With reference to your favour no. 6268, dated 11th ultimo, calling for opinion regarding the proposed scheme of the Government of India about Advisory and Legislative Councils, I beg to submit herewith my views on the subject for your favourable consideration.

RAM SARAN DASS.

OPINION.

Before proceding to answer the questions framed by the Government, I feel it necessary to make a few humble remarks of a general nature.

The main objects with which the Government intend to undertake the proposed measure, as expressed in paragraphs 2 and 3 of the Government of India's letter, appear to be (*i*) "to bring all classes of the people into closer relations with the Government and its officers, and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions"; and (*ii*) to remedy the "difficulty encountered by the Governments in India in making their measures and motives generally understood, and in correcting erroneous and often mischievous statements of fact or purpose imputed to them."

It is, therefore, most essential in attempting to discuss the proposed scheme to take into consideration certain unfortunate circumstances which in my humble opinion adversely effect these most laudable objects of the Government in the present condition of affairs. There are already large numbers of our countrymen who sincerely appreciate the conscientious efforts made by the British Government to conduct the administration of the country in such a way as to conduce to the welfare and advancement of the country. They feel most deeply grateful for the various blessings enjoyed by the people under the British administration.

Now, although the British Government has—since Providence placed our destinies in the hands of the British nation—done very many good things, there have been and now are certain other things which are felt painful by the people in general or by special classes of them. They are absolutely inevitable in the circumstances of the situation, and it has undeniably been the desire of the British Government to take steps to

remove them or minimise their effects, as they became known to the authorities from time to time. There is, however, the drawback that the bulk of the population are quite illiterate and consequently unable to understand such matters. On the other hand, there are numbers among our countrymen who criticise the administration in a way to lead the people to believe that their troubles are due to the British administration. This wrong and mischievous notion has been gaining ground as years have rolled on, and has recently become more general than it ever was before.

Closely connected with the above, there is another equally unfortunate circumstance. It has generally come to be believed that many of our countrymen, who have occasion to visit officers of the Government and express their views on administrative matters, do not rightly explain to the authorities the views and ideas of the people in general; that they regard it impolitic and on occasions unsafe to speak out the truth when it differs from what appears to them to be the determined view or policy of the Government; that very many of them consequently avoid expressing any decided opinion in such cases, but that others try to please the authorities by expressing agreement with the Government view. As a result of this lamentable but undeniable notion prevailing among the masses, they do not regard as their representatives and leaders many of those who from their position and circumstances would naturally be regarded as their representatives and leaders. On the contrary, they readily swallow whatever is presented to them by the adverse critics of the Government even when such critics have recourse to direct misrepresentation and absolutely fallacious reasoning.

It has also come to be supposed by very many people that it is the determined policy of the Government to keep the various sections of the people disunited, and of late the suspicion has been growing among Hindus that in furtherance of this policy the Government has resolved to show favour to other communities (and especially to Muhammadans) at the sacrifice of the interests of the Hindus. Accordingly it is feared that although the Government of India have spent very much of their valuable time and attention in framing the scheme, yet it is not very likely that any appreciable number of persons believed by the masses of people to be acquainted with their daily life and qualified to speak with authority on their behalf will find a place in the Legislative or Advisory Councils.

With these humble prefatory remarks I now proceed to express my humble views regarding the questions in detail: —

Question I.—(1) *Imperial Advisory Council.*—Subject to the limitations on the usefulness of the measure arising from the circumstances noted in the preface, the establishment of such a council would be useful in eliciting the views of those consulted on such questions as may come under their consideration from time to time.

I would suggest that instead of confining their competency to submit their views on those quesions only that may be referred to them by the Government, it should be open to the councillors to communicate to the Government their own views and the thoughts of the people in general regarding any measure contemplated by the Government so as to enable the Government to receive information (in case where any contemplated administrative action may be misconceived) before the misconception ripens into discontent.

The number of councillors (*viz.*, 60 for the whole country) is too inadequate to be of material service. Even double of this number would not be too many. Striking out the 20 ruling Chiefs, there would remain only 40 for the whole country which would give less than half a dozen for each province.

Question II.—(2) *Provincial Advisory Council.*—As in the Imperial Advisory Council, the members of the Provincial Councils should also be competent (besides expressing their opinions on questions referred by the Government) to tender their views and communicate the thoughts of the people on all acts and measures of the Government about which they might think it useful to inform the Government.

Question III.—(3) *Imperial Legislative Council.*—The time has certainly come for the enlargement of the Imperial Legislative Council. But no extension will give any satisfaction unless it results in ensuring to the people a greater chance than before of their views being heard.

Regarding its constitution, I beg to submit that the number of those that may be taken to represent the people's views is rather too small, *viz.*, 18 of 54. The number of these may safely be increased without weakening the Government majority. For, unless a measure introduced by the Government were extremely misconceived, it would not be likely for all the various members of class D to offer a unanimous opposition. And in cases where all such members were unanimously opposed to a Government proposal, the authorities would be well-advised to attach proper weight to their opposition.

I have further to point out that the proposed constitution virtually limits the chances of election to the Imperial Legislative Council of those persons who are regarded by the Hindu section of the population as most competent to represent their views

as noted in the prefatory remarks. The proposed constitution, while sufficiently safeguarding the interest of minor sections of the population, will be felt quite dissatisfactory by the Hindu community, constituting more than two-thirds of the entire population of the country.

Question IV.—(7) *The Punjab Legislative Council.*—In my opinion it would add to the weight of the deliberations of the council if the number of members, which is very small at present, were materially increased. Unless it be too inconvenient, the present number may be doubled.

(8) I strongly advocate that the present system of nomination by Government be maintained for some years to come for filling the unofficial seats. Various difficult and awkward points shall require solution in the circumstances, which exist in this province, to ensure a satisfactory working of the measure if election be adopted for filling those seats, and I am afraid it will not be an easy matter to effect such solution in a manner to give satisfaction to all parties concerned; while it is feared that the result may be quite unsatisfactory.

(9) It would indeed give more satisfaction if a practicable mode of fixing a proper proportion of seats for the different classes of the population could be adopted: but it does not seem an easy affair to adopt a satisfactory mode.

As to the different classes constituting the population of the province, the two important sections are of course Muhammadans and Hindus. Many Sikhs, however, claim that their co-religionists should be regarded a separate class, but as their number is very small (as compared with the rest of the Hindus and Muhammadans), it will be somewhat difficult to fix upon a fair principle for the distribution of the seats if separate representation were to be given to the Sikhs.

There are again several other minor sections of the community as well as certain special interests, *e.g.*, the agricultural, mercantile, and other interests.

In my humble opinion, a fixed number of seats may be assigned to each of the two classes, Muhammadans and Hindus, according to their respective proportion in the population while a few special seats may be allotted to such other classes as Government may deem fit.

(10) Requires no answer.

(11) It will prove a very complicated and difficult matter to adopt for the seats in municipal and district boards a principle corresponding to that proposed for the Legislative Council. Hence I would not support any change in the present constitution of those boards until circumstances are so far changed as to justify a change of their constitution.

(12) I do not think there is any need in our province to allot any extra seats to the Muhammadans as their proportion is sufficiently large to ensure them a fair share of the seats. I do not, however, think it politic to discuss this delicate question, and would leave it to be decided by the Government as they deem fit.

(13) It would certainly conduce to the better understanding of the objects and wishes of the Government by the people if the proposed alterations were adopted in regard to the discussion of the budget in the Imperial Council.

(14) I do not think it opportune at present to subject the Provincial Budget to discussion in the Provincial Legislative Council.

(15) In my opinion the province is not as yet so far advanced as to require the grant of the right of interpellation in the Provincial Legislative Council.

I am very grateful to Government for favouring me with an opportunity of expressing my opinion on the points referred which I have endeavoured to candidly express and I am convinced that my remarks will be accepted in the loyal spirit in which they have been offered.

RAM SARAN DASS.

Dated Lahore, 12th November 1907.

From—LALA HARKISHEN LAL, Barrister-at-Law, Lahore,

To—The Deputy Commissioner, Lahore.

I have the honour to submit my opinion on the question of reformed councils in the order of the questions put by the local Government.

(1) I think that an Advisory Imperial Council constituted on somewhat modified lines from those sketched in paragraph 4 of the Government of India's letter would be

of service to the country, and I beg to suggest the following modification in the scheme framed by the Government of India:—

(a) I would omit the ruling Princes altogether from such councils as they are not in touch with the people of British India, and any interference on their behalf with the affairs of British Indians would expose them, their States, and their character to public criticism, which may not be welcome to them and which may embitter their feelings against the British subjects.

(b) I would include the elected members of the Legislative Councils in the Advisory Council, as they alone are likely to command the confidence of the people.

(c) That too much importance be not attached to the so-called territorial magnates as they are not necessarily the only influential people in the country and as often as not they are open to reproach, and the history of the court of wards legislation does not prove them worthy of the trust desired to be reposed in them.

(d) That interests other than land should be fairly and adequately represented on such a council.

(2) I have the same remarks to offer to the Provincial Advisory Council as to the Imperial Advisory Council.

(3) I approve of the enlargement of the Imperial Legislative Council, but would offer the following remarks on the scheme propounded by the Government of India:—

(a) The official majority of 36 to 18 including the nominated members is by far too much. It could be safely reduced to 30 and 24 without in any way endangering the position of the Government.

(b) The commercial interests could not be adequately represented by two members elected by the Chambers of Commerce at Calcutta and Bombay, as there are wider interests involved. As invariably these elections are likely to result in the return of Europeans to the council, the Indian interests and the interest of other provinces would not have any representatives; therefore, it is suggested that the number of commercial members be raised to 5, guaranteeing 3 Indians to 2 Europeans and having an adequate representation of the whole of India's commercial and industrial interests.

(c) The land-holding interests are being given too much importance. They may be reduced to say 5 members.

(a) Special privileges to Muhammadans are open to very serious objections of policy. The Government woud be ill-advised to set a class against a class: to begin to protest minorities by bestowing special privileges. They will not know where to end, and they will be sowing the seeds of discontent amongst unprivileged classes which will be hard to remove by mere palliatives. The Muhammadan interests will be adequately guarded when the land-holding classes of Punjab and the Eastern Bengal are allowed to send representations direct to the Imperial Council and also through the non-official members of the Provincial Councils; and if perchance they are not sufficiently strong, the nomination in the hands of the Viceroy can set matters right.

(e) The interests of education have been entirely ignored in the scheme. This is hardly justified. The 5 Universities should be given one representative each through their graduates of certain standing. Thus the scheme will work as under:—

The Viceroy	1
Ex-officio members	8
Ruling Chief	1
Other officials	16
Viceroy's nominees	4
	— 30
Land interests	5
Commercial and industrial interests . . .	5
Education	5
Local council's elections	7
Experts	2
	— 24

(4) Yes, I approve of the suggestion made in paragraph 13 of the letter,

(5) I don't think election will succeed in this case. Artificial suffrages proposed would not have any coherence in interest; therefore nomination would be the best method of bringing land interests into the council.

(6) I don't approve of any special concessions to any community based on differences of religion or creed.

(7) I would advocate the increase in the number of members on the Provincial Legislative Council to at least 17.

(8) I would have at least three-fourths of the non-official seats filled in by election.

(9) I would have the following electorates:—

District boards by groups	1
Municipalities by groups	1
Universities	1
Educated classes	1
Chamber of Commerce	1

Minorities, Hindus and Sikhs, one each, if the principle is adopted in the Imperial Legislative Council so far as Muhammadans are concerned.

Nominated 2 or 3 as the maximum number may be fixed and also whether minorities are to be specially privileged.

(10) See answer to question (9).

(13) Yes; discussion on Budget should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes; I think Provincial Budget be discussed in the Provincial Councils in the manner indicated in paragraph 23 of the letter.

(15) I certainly advocate the power of interpellation to be given to members of the Provincial Council in the Punjab.

HAR KISHEN LAL,
Barrister-at-Law, Lahore.

Dated Lahore, 16th November 1907.

From—Rai Bahadur Lal Chand, Pleader, Chief Court, Punjab,
To—The Deputy Commissioner, Lahore.

As desired I beg to send herewith my opinion on the reform scheme.

LAL CHAND,
Pleader, Chief Court,

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(1) *Imperial Advisory Council.*—In my opinion the Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter is not likely to be of much service to the country. It might be of use if the proposed members were such as were in touch with the people at large and possessed independence of views and intelligence to be able to grasp and understand the matters laid before them. With few exceptions, speaking generally, the proposed class of members are unable to efficiently manage their own estates. They themselves stand in need of proper advice which even when tendered they are unable to appreciate and follow for want of a power of discrimination. They usually lack in initiative, and cannot by their short training and experience be expected to give proper advice on Imperial questions involving large and intricate problems and affecting the interests of a variety of people. Even as means of diffusing correct information, I am afraid the ruling Chiefs and the territorial magnates are not likely to be of much use; I might say, of any use. It is extremely improbable that they will ever condescend to personally communicate information to the people, and if it is done through their servants and ministers, it is more likely than not that the facts will not, to put it mildly, be truly represented. In order to attain the end sketched out in paragraph 4 of the Government letter, it seems to me to be essential that the Advisory Council should consist of members of intelligence, education, and character, and a certain amount of influence with the people and in the country. The mere hereditary incident of being a ruling Chief or a territorial magnate is not likely to achieve the laudable object aimed at. The usefulness of the proposed Advisory Council will therefore in my humble opinion depend upon the discrimination

exercised in making the nominations. It would be proportionate to the character, ability, and personal influence of the members nominated. For a considerable time hence these qualifications are not likely to be met with in abundance or sufficient quantity among the members of the proposed class. In order therefore to make the proposed Imperial Advisory Council of any use to the country, it seems to me to be necessary that the deficiency in intellect and character be supplemented by nominating likewise a suitable number from amongst the educated middle class.

Curiously enough, the Government letter does recognise the utility of representing on the Provincial Advisory Councils interests other than landed. One would imagine that if it is useful to have the advice of persons representing such other interests in local matters, *á fortiori* it is so necessary in a place where the measures adopted would affect such interests more widely, vitally, and permanently. Moreover, the territorial magnates can at best represent their own interests, if at all. It is true that the vast proportion of the populaion of the country consists of agriculturists or of landed proprietors. But the laws enacted or the administrative measures adopted by the Government do not affect the landed proprietors exclusively or even mainly. There are very few enactments which deal only with land, and even as regards problems connected with land is it expected that the territorial magnates would correctly represent the views of the equally large and important class of tenants and agricultural labourers. If there is at all an idea of having representative advice, then it is inconceivable why the representation in the Imperial Council should be limited to territorial magnates and be not extended to other interests, as is in fact contemplated in the case of Provincial Advisory Councils. Possibly the distinction is made on the ground of difference in status, and it is perhaps regarded as repulsive to all decent ideas of Government prestige that a member of the commercial, professional, or middle class be given the privilege of being the councillor of the Government of India. But it is assumed in the thesis that in India prestige has always and generally attached itself to possession of a large number of acres only, and it is forgotten or at least overlooked that a ruling Chief or a territorial magnate even now considers it his pious duty to bow before and pay highest reverence to the learned, be he a Brahman or a Muhammadan Pir. I do not for a moment mean to minimise the importance of landed aristocracy, but it seems to me an egregious mistake to think that learning and character by themselves have no prestige or a low prestige in the oriental countries. The position is possibly just the reverse, but to say the least each class has doubtless an importance of its own which cannot safely be overlooked or ignored. I would therefore urge that the same liberal policy be adopted in framing the constitution of the Imperial Advisory Council as has been proposed for the Provincial Councils, and add to paragraph 3 that a suitable member be also nominated from among the educated middle class.

(2) *Provincial Advisory Council.*—I think it would be a useful institution, but its usefulness would be proportionate to the character of the nominations made. If the members nominated lack in the qualifications referred to while discussing the Imperial Advisory Council, it is not at all improbable that the proposed institution might prove the reverse of being useful and even injurious to the interests of the country at large.

(3) *Imperial Legislative Council.*—The proposed enlargement in the number of members for the Imperial Legislative Council is decidedly a move in the right direction. The present number is altogether inadequate, and considering the variety of interests and vastness of the population affected by legislation, the proposed increase does not appear to me to be sufficiently large. I would propose that the number be increased to 60, including His Excelency the Viceroy.

This number to be made up as below:—

(*a*) As in the Government letter.

(*b*) Ditto ditto.

(*c*) Nomination of a ruling Chief. This seems to me to be not only unnecessary, but devoid of all advantage and altogether out of place. The function of the Legislative Council for India is restricted to framing laws for British Indian subjects, apparently there is no reason why a ruling Chief of a Native State be called upon to take part in framing laws for subjects other than his own. Moreover, it is highly probable that he will consider the nomination as derogatory to his privilege as a ruling Chief. He might be consulted individually by the Viceroy, and he is likely to appreciate the confidence so reposed but not his nomination as a member of this Legislative Council. The step is useful in itself as tending to greater solidarity, but it is not likely to prove of any use in actual practice.

I would therefore eliminate (*c*).

As regards (*d*), elected members—

(*a*) As in the Government letter.

(*b*) Ditto ditto.

(*c*) Ditto ditto.

(*d*) By Muhammadans. This clause should in my opinion be altogether omitted for the following reasons:—

(1) In encourages a belief that the Government proposes and intends to favour specially one class of its subjects and thereby promotes not only class ill-feeling but also a feeling of ill-will against the Government for not dealing justly between the two great communities that compose the Indian population.

(2) The reservation is not based on any proper data; the elections were hitherto made only by the non-official members of the Provincial Councils, and even conceding that these elections did not result in giving a proper representation to the Muhammadan community, the experience so gained can be no guide for judging the results under the proposed scheme where a new element of election by land-holders is introduced. It would be altogether unreasonable to assume that with this new addition to the electorate which by itself is by no means unfavourable to Muhammadan cause, and particularly having regard to the persistence with which class interests are now being pressed by the enlightened portion of the community, that the results of the new election would still be unfavourable to them and would not properly represent their interests. At any rate under the circumstance it would be entirely premature to say so, and it is quite conceivable that in the next election or in any particular election under the proposed scheme the Muhammadans may have more than their proper share of representation. The reservation made in their favour in the case under clauses (*c*) and (*d*) would defeat the very object aimed at and convert the minority into a majority. If I mistake not, the Muhammadans have not hitherto displayed any keen desire and love for the elective principle, and I would therefore propose that the object aimed at, namely, protecting the minority, may equally but with less disadvantage be secured by omitting (*d*) and by increasing the number of nominations under (*e*) to 6 without any reference to any particular class or community. These nominations would be reserved in the hands of the Government to balance the several interests according to the results of the elections in any particular year. If the result of the election is unduly large in favour of Hindus, the whole number might, if necessary, be nominated from among the Muhammadans and *vice versâ* when the election gives an undue advantage to Muhammadans. Retaining (*f*), which in my opinion is a useful provision, the number left to be made up according to my proposal would be (7) in order to make up 60, and I would distribute this number over the seven provinces as in (*b*), each province to return one Master of Arts, Science, or Medicine by election. The electorate in each province would consist of graduates, and if their number is found or held to be too large or unwieldy, though I believe it is not, the privilege might be limited to Masters of Arts, Science, and Medicine only. According to this scheme the number of elected members would be 23 out of a total of 60 as below:—

(*a*) By Chambers of Commerce	2
(*b*) Non-officials by Provincial Councils	7
(*c*) Land-owners	7
(*e*) Masters of Learning	7
TOTAL	23

NOMINATED.

A. *Ex-officio*	8
B. Additional officials	20
E. Non-officials nominated	6
F. Experts	2
TOTAL	36
His Excellency the Viceroy	1
	37
TOTAL 23+37=60	

There can be and is no objection to any further increase being made in the number of officials to be nominated in order to maintain an undisputed majority, but what is asked and prayed for is that there should be an adequate representation of all interests and not of some only, and that no undue favour be shown to one community against the other. The scheme, as set out in the Government letter, apparently transgresses against

both these principle. It entirely ignores the literary class which at all times has influenced and cannot but influence the course of legislation, and it needlessly exhibits partial regard for the interests of a certain community which after all may not stand in need of protection or, if necessary, may be protected by a less offensive method. I would venture to say that the scheme proposed here would meet general satisfaction by giving adequate representation to the literary classes and by enabling the Government to protect the interests of various classes and minorities as the occasion may arise by making suitable nominations.

III. (4) I have already stated my approval of the proposal contained in paragraph 13. As regards the methods suggested in paragraph 15, I propose election by an electorate composed of land-owners possessing certain qualifications as regards payment of Government revenue which might vary in different provinces according to the circumstances.

IV. *The Provincial Legislative Council in the Punjab.*

(7) The number should in my opinion be increased to 20. The present number is too small to allow of a proper representation of all interests in the council.

(8) In my opinion the principle of election might with advantage be now introduced in the province, but for the peresent it should be applied only to some of the non-official seats and not to all.

(9) I would not advocate a fixed rule, determining the proportion of seats to be allotted to each class, for the simple reason that a division by race, caste, or religion in a matter of election of this nature is injurious and altogether out of place. As members of the Legislative Council, the members ought not be led to think that they represent any class or caste interest, but the general welfare of the country. If any caste or class questions do arise, they would better be settled by forgetting caste distinctions, or if that be not feasible, then by the Government which is expected and regarded to represent no particular caste, class, or religion. I would therefore prefer that there be no election at all rather than an election by castes, classes and religions. The only serious reason urged in favour of election by sections is a desire to protect the interests of minorities. The argument does not apply to Muhammadans in this province as they are not in a minority, and if in spite of their numbers they are possibly unable to take care of their interests by election, then the remedy lies in making up the deficiency by nomination and not by sectional election. There is good and special reason to support this view as the privilege of general election is valued by the other community and they are willing to leave the power of making up deficiency in election by direct nominations to be made by the Government.

(10) I would advocate election through municipal boards only, but would restrict the privilege to a few select municipalities only. Out of 20 members exclusive of His Honour the Lieutenant-Governor, I would reserve 10 seats for officials to be nominated by the local Government. Out of the remaining 10 non-officials, I would propose nomination of 5 by the local Government to protect class interests, such as that of the landholders, &c., and the remaining 5 to be elected as below:—

(1) By select municipalities	4
(2) By an electorate of graduates	1

This scheme does not give the right of election in this province to rural population which forms a very considerable majority. But in my opinion the rural population is not yet sufficiently advanced to exercise the power of election for the Provincial Council, and their interests would be best safeguarded by direct nominations made by the Government. The urban population gets a larger share than can be fixed on the basis of population, but it is more advanced and better fitted to exercise the right, and what is needed at least for efficiency's sake is not merely a numerical representation on the council but also a fitness to transact the business. I believe one member out of 21 to represent the purely literary class elected by graduates of the province will not be regarded as an excessive encroachment by the class on the precincts of the Provincial Council.

(11) and (12). For reasons given under paragraph 9 and while discussing the Imerial Legislative Council, I am against either of these paragraphs.

(13) The manner suggested in paragraph 13 of the Government letter for discussing the Budget seems to me to be a move in the right direction.

(14) Yes.

(15) Yes.

LAL CHAND,

The 14*th November* 1907. *Pleader, Chief Court, Lahore.*

Dated Lahore, 14th November 1907.

From—NAWAB FATEH ALI KHAN, Qazilbash, C.I.E., Lahore,

To—The Deputy Commissioner, Lahore.

In compliance with your letter no. 6268, dated the 11th October 1907, I have the honour to submit the accompanying statement of my opinion on the reform scheme of the Government of India.

FATEH ALI KHAN, QAZILBASH,
Lahore.

Opinion on the reform scheme of the Government of India.

Preliminary.—The importance of the reform scheme of the Government of India, embodied in its letter of 24th August 1907, and referred to the representatives of the people for expression of views, is undoubted; and there can be but one opinion as to the far-reaching consequences of the reforms now in contemplation. In spite of the adverse criticism which has been expressed in some quarters, I venture to think that the scheme is practicable; is in the best interests of both the rulers and the ruled; and was called for by the exigencies of the present situation in India. That situation is daily becoming increasingly difficult, and Government has been well-advised in undertaking a measure of the utility and magnitude of the reform scheme under review. The object of the proposals, that of lessening the difficulties of Government and associating with it the real leaders of the people in the work of administration, is likely to be accomplished if men of light and leading co-operate with the Government in the project. The general principles underlying the scheme are eminently sound, and, excepting the discontented classes whom nothing short of absolute autonomy will satisfy, the Indian people are grateful to His Excellency Lord Minto's Government for the initiative which the latter has taken in the matter.

2. I. (1) *Imperial Advisory Council.*—I not only think that an Imperial Advisory Council, on the lines suggested by the Government of India, will be of great service to the country but express my general concurrence in the details of constitution laid down for it. There is, however, one point which deserves to be mentioned in this connection. As Government proposes, it is certainly desirable to give preponderance to the magnates and ruling Chiefs in the *personnel* of the council; but that its membership should be confined to these two classes only is a principle from which I respectfully beg to differ. Its deliberations will carry greater weight with the public, and it will become a better and more effective means of interpreting the wishes of the people to Government, and of diffusing among them correct information about its policy, if the Advisory Council were so constituted as to be an epitome of all the more important interests in the country. Moreover, the constitution for the Provincial Advisory Councils as proposed by the Government of India itself, recognises the necessity of epitomizing all interests in the Provincial Councils, and a similar course of action may be advantageously followed with regard to the Imperial Advisory Council also.

3. II. (2) *Provincial Advisory Councils.*—My answer to the first part of the second question is in the affirmative, and I have no special modification to suggest in the proposals of Government regarding the duties and constitution of the Provincial Councils, except to observe that it will give them greater weight and ensure increased confidence in their deliberations if general rules were framed specifying the manner in which the various interests and communities would be represented.

4. III. (3) *Imperial Legislative Council.*—I approve thoroughly of the proposal to enlarge the Imperial Legislative Council. Its expansion is a natural consequence of the concessions granted by the British Government in 1892, and nothing but an adequate enlargement of the highest legislative body for the Indian Empire can satisfy the demand for equitable representation of all races and interests existing in India. The only point worth noticing is the insufficient representation conceded to the Musalmans in paragraph 12 of the Government of India letter. According to this 2 Muhammadans will be nominated and 2 elected. There is a possibility of two or more Mussalmans being returned for the Punjab and Eastern Bengal, wherewith ends all chance of any more Muhammadan being either nominated or elected to the council. So that altogether, at the utmost, there can be but 6 Muhammadans in a council of 53 members. These figures represent a Muslim proportion which, to say the least, is too small to properly safeguard the interests of a community of 6 crores. I respectfully submit that the number of Muhammadan members should be increased by 2—3 instead of 2 being nominated and 3 instead of 2 being elected, thus securing a specified minimum of 6 and a probable total of 8 Muslim councillors. As it is essential to retain the official majority, I would have the figure for the officials increased also by 2, which would necessitate the raising of the total strength of the council from 53 to 57. It is perhaps unnecessary to add that a council of 57 will not at all be an unwieldy one.

5. (4) The proposal is commendable, and one of the best ways of securing proper representation for the various provinces in the Imperial Council is to concede the privilege of election to the Provincial Councils, as proposed in paragraph 13 of the Government of India letter.

6. (5) I thoroughly approve of the proposal to select one of the great land-owners of the Punjab to the Imperial Council, and recommend that his selection should be left with a special electorate of land-owners. The electorate should consist of all land-owners who pay as land revenue Rs. 5,000 a year or more and who should choose their representative by direct election. It is not desirable to raise the qualification for membership of the electorate higher than is suggested herein, as the number of those paying at least Rs. 5,000 is by no means very large.

7. (7) I am in agreement with the principle underlying the proposal; but am anxious, as explained above, that the number of seats specifically set apart for the Muhammadans should be increased from 4 to 6. Of the suggested 6, 3 should be nominated and 3 elected; the election to be in the hands of a special electorate. This electorate should comprise Muhammadan non-official members of the Provincial Council, Muhammadan Fellows of the local University, Muhammadans paying income-tax on an annual income of Rs. 25,000 or having corresponding status if paying land revenue, and registered Muhammadan graduates of not less than 10 years' standing. Of course the number open to election being only three for the whole country, elections will naturally take place in the various provinces by rotation, more than one province to be grouped together for uniformity and convenience.

8. IV. (7) *The Punjab Provincial Council.*—I would strongly urge an increase in the present number of the members of the Punjab Council from 10 to 20. This is essential to keep pace with other provinces and with the general progress of the country. The aim should be not to allow the strength of the Punjab Council to fall below that of any other Provincial Council. Should this equality be inadvisable, the proposal of having 20 councillors for the Punjab (in addition to His Honour the Lieutenant-Governor) is fully justified by the circumstances of this province. These 20 I would divide into 11 official and 9 non-official members, and further sub-divide the latter into 5 Muhammadans, 3 Hindus, and 1 Indian Christian. The overwhelming preponderance of Mussalmans in the population of the Punjab gives them an undisputed claim for special consideration; which is further enhanced by their historic and political importance. In view of their numbers, past traditions, and present importance it is, I am convinced, not too much to ask for five seats, out of a total of nine, being set aside for Muhammadans in the Punjab. For the purposes of this allotment, as is ordinarily done in most other things, the Sikhs should come under the category of Hindus whose section they are.

9. (8) I would neither do away with the present system of nomination altogether, nor oppose the introduction of the elective method. We are not so advanced or public-spirited as to be able to dispense with the system of nomination without detriment to the public interest; while the conditions of life in India are not favourable to the adoption of the elective system to the exclusion of nomination. A compromise between the two would be the best method suited to a country with the history and conditions of India. A few seats might be thrown open to election and the rest—the larger number—filled by nomination. It seems to me that all wants will be adequately met if 2 Muhammadans, 1 Hindu, and 1 Indian Christian are appointed by election.

10. (9) I would, as specified above, advocate a rule fixing the proportion of seats to be allotted to each community, *i.e.*, class as determined by religion. Religion is the most prominent ground of difference in this country, especially in the Punjab; and it will be sufficient if the number of seats for each community were fixed definitely. But if allotment of seats is to be based on class distinction also, within each religious community, the claims of the agriculturists should not be ignored. They form a very important element of the population; and as their needs have not been hitherto properly studied, it would be wise to effect a change in this respect.

11. (10) The system of election should be introduced gradually and special electorates formed. District and municipal boards, until their constitutions be radically changed, do not deserve the right of election being conferred upon them. As yet they are exotics in Indian soil, and it would make matters worse if the franchise were conferred upon them. Instead, I think, it will be in the best interests of Government, as well as all classes of the public, to form special electorates of the various communities and to concede to them the privilege of election. The electorates may consist of (*a*) all those who pay a certain amount of land revenue (*e.g.*, Rs. 500 a year), (*b*) all those who pay income-tax on a specified yearly income (*e.g.*, Rs. 3,000), and (*c*) all registered graduates of the local University of some years' standing (*e.g.*, 7 years).

12. (11) I favour the separate representation of classes only in so far as they are differentiated from one another by religion. But, considering the intrinsic importance

of district and municipal boards and also the possibility of their eventually helping in the determination of the constitution of the Provincial Legislative Council, and thus indirectly of the Imperial Legislative Council, I would emphasise the necessity for thoroughly everhauling the district and municipal boards. The most important improvement that can be effected in their constitution is to fix the number of seats to be allotted to the various communities and to allow their members to elect the representatives of their communities separately.

13. (12) This question has been already considered, and I am strongly of opinion that provision ought to be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way (*vide* answers to questions 3 and 10). Half of this additional representation should be secured by nomination and the remaining half by election, for which a special electorate ought to be formed. The constituent parts of this electorate have been explained in answer to question 10 (paragraph 11).

14. V. (13), (14), (15) *Discussion of the budget.*—The contemplated forms are sound in principle and will be useful in practice. I concur with the Government of India in the proposals (paragraph 23 of its letter) regarding the dicussion of the Budget in the Imperial and Provincial Legislative Councils. It is also time the power of interpellation were granted to the members of the Punjab Council.

LAHORE; FATEH ALI KHAN, QAZILBASH,

The 14th November 1907. *Lahore.*

Dated Lahore, 15th November 1907.

From—NAWAB FATEH ALI KHAN, Qazilbash, President, Anjuman-i-Islamia, Punjab, Lahore.

To—The Deputy Commissioner, Lahore.

In compliance with your letter no. 6403, dated the 19th October 1907, I have the honour to forward the accompanying opinion of the majority of the members of the Anjuman-i-Islamia, Punjab, on the reform scheme of the Government of India.

FATEH ALI KHAN, QAZILBASH,

President, Anjuman-i-Islamia, Punjab.

Opinion on the reform scheme of the Government of India.

I. (1) *Imperial Advisory Council.*—An Imperial Advisory Council "of those qualified to advise" from "*all* ranks of society" is undeniably an indispensable necessity for the good government of the country. "The Imperial Councillors'" chief functions apparently consist, *firstly*, in their capacity to know the economic conditions, social developments, political ambitions of the numerous classes which constitute the Indian peoples; *secondly*, in their capacity to communicate the real, unvarnished facts to the authorities; and, *thirdly*, in their frankly expressing their well-considered opinions on such problems as may from time to time come up for disposal. Under the benign influence of the British Government, during the latter half of the last century, British India has made wonderful progress; the general development of the country and its educational advancement have effected such a remarkable change in the Indian society that the public ideas have become considerably modified. The success of the Advisory Council depends entirely upon its *personnel*. The inclusion of a large number of ruling Chiefs—however useful it may be for them, enabling them to learn and copy the British method of Government—cannot, it is submitted, be of any great help to His Excellency the Viceroy in acquiring correct information concerning the economic conditions, industrial developments, political aspirations, of His Majesty's Indian subjects in British India. However much the ruling Chiefs may know of their own territories, they have hardly any opportunities of knowing the wants and feelings of those who live in British India. Taking into consideration the sentiments of His Majesty's Indian subjects and paying due regard to the facts stated above, it is perhaps necessary that the ruling Chiefs should not constitute more than one-sixth of the Imperial Councillors.

As to the functions of the Imperial Councillors, it would probably prove profitable to grant them the privilege of "reporting" to the authorities such information or advice as the circumstances of particular cases may necessitate.

In this connection, it is perhaps necessary to mention that the due discharge of their (the Imperial Councillors') functions, as an agency for the diffusion of correct

information upon the acts, intentions, and objects of Government demands that *all* classes and the masses should find their accredited leaders and representatives on the Council Board.

II. (2) *Provincial Advisory Councils.*—Besides what is stated above concerning the Imperial Advisory Council it need only be remarked that the number 20 suggested in the local Government letter, no. 2643, dated 27th September 1907, is not especially after the deduction of the number of the Imperial Councillors from the Punjab, large enough for the due representation of the two communities (Hindu and Muhammadan) and their classes; and is certainly too small to admit of the inclusion of the ruling Chiefs who are not Imperial Councillors.

III. (3) *Imperial Legislative Council.*—An enlargement of the Imperial Legislative Council is sure to be useful.

In the scheme sketched out in paragraph 12 of the Government of India letter, the following modifications are suggested:—

In D (*d*) instead of 2, it should be 4 (four), or in D (*d*) instead of 2, it should be 3 (three), and in E instead of 2 to be Muhammadans, 3 to be Muhammadans, and instead 4 there should be 5.

This would raise the total from 53 to 55, or, including His Excellency the Viceroy, 56, and it would also involve the increase in B of 2, and then the total will be raised to 57 or including His Excellency the Viceroy 58.

In case 58 appears to be a very large number or the addition of 2 to B is considered expensive, then the elimination of C is quite practicable. A ruling Chief in the Indian Legislative Council is perhaps out of place, and the inclusion is not sure to be very popular with the public.

(4) The proposal as laid down in paragraph 13 of the Government of India letter is apparently a useful one, though in the Punjab, it might be mentioned, the number of the non-official members of the Provincial Legislative Council, even after its enlargement, will probably be not more than 10 or 11. This, of course, governs the election of the members specified in the Government of India letter, paragraph 12 D (*b*).

(5) The importance of the big land-holders should, of course, be fully realised. Upon the reconstituted Provincial Legislative Councils their strength is sure to be considerable, and it is not unlikely that under D (*b*) of paragraph 12 of the Government of India letter, they will be able to secure their election. In case it is considered necessary to keep D (*c*) of paragraph 12 of the Government of India letter in tact, the seats should be left open to election. It is undoubtedly true that the entire body of land-holders would be a very undesirable and unwieldy electorate, but it is equally objectionable to hand over such an important privilege to a few—as the land-holding members of the Provincial Council are sure to be—and the difficulties in the way of constituting a proper and suitable electorate are not so very insurmountable as to let in nomination.

As shown by the statistics given in the Punjab Government letter, there are 52 land-owners paying a land revenue of Rs. 5,000 and over and these constitute a fairly large electorate and yet not too large to be unwieldy. It would never do to leave this important right in the hands of a smaller electorate.

(6) As regards the representation of the Muhammadan minority, their interests cannot be adequately represented by giving them four as the minimum of representation. The details given in paragraph 12 of the Government of India letter show that of the non-official members only C and E are by nomination, the rest with the exception of D (*d*) being open to election, and thus as a rule beyond the reach of Muhammadans. Out of these three, one of C and two to represent minorities or special interests under E as so many minorities are likely and in fact sure to spring up that it would indeed be exceedingly difficult if not impossible for His Excellency the Viceroy to secure any seats for the Muhammadans. Under the existing system at least two Muhammadans find seats in the Imperial Legislative Council, whose members do not exceed 23; and this representation had been admitted to be inadequate. On the strength of the Imperial Legislative Council being more than doubled, one would expect to find at least 8 Muhammadans if the Muhammadan representation were no longer to remain inadequate. It would indeed be unnecessary to report or summarise the arguments and prayers advanced by the All-India Muhammadan Deputation, but it is considered necessary to respectfully urge that the minimum of Muhammadan representation on the Imperial Legislative Council be fixed as 6, and for the remaining 2 seats they might be left to the chances of general election.

The Muhammadan members under D (*d*) whether 2 or 3 should not be elected by the Provincial Legislative Councils wherein their number is sure to be *very* limited, and in most cases even under half a dozen, and this would make the representation a monopoly of the highly rich only.

The electorate as suggested in paragraph 18 of the Government of India letter is a fairly good one, but it is considered necessary to suggest a modification in the sub-

heading (*c*). The annual income is placed too high for the Muhammadans, at all events too high for the Muhammadans of the Punjab, and should be brought down to the figure Rs. 12,000. As for the amount of the land revenue, it is suggested that it should not be more than Rs. 2,000.

In connection with the point raised by the Punjab Government, *i.e.*, whether this Muhammadan electorate should or should not be allowed to vote in the open elections, the question hardly appears to arise from the Government of India letter. The grant of a special privilege or right to remedy the inadequacy of representation cannot ordinarily be interpreted to cause forfeiture of the general right of voting. However if the point raised by the local Government aims at pointing out the possible differences between the qualifications of this Muhammadan electorate under paragraph 18 of the Government of India letter and the general electorate, then it can at once be admitted that the qualifications of the electorate (Muhammadan or non-Muhammadan) for general elections, *i.e.*, under D (*c*) and D (*i*), should be uniform.

IV. (7) *The Provincial Legislative Council in the Punjab.*—An increase in the number of members of the Provincial Legislative Council in the Punjab is considered necessary and advisable to secure a better representation of communities and classes; and it is suggested that 25 is certainly not too large a number.

(8) The partial introduction of the system of election may be desirable, but the elimination of nomination cannot be advocated. This of course applies to representation by communities, and not otherwise. On the contrary the introduction of the system of election should be gradually effected, and for the present the non-official seats can be easily sub-divided thus:—the nomination seats and the election seats.

The following tabular representation will explain this suggestion:—

- 25 including the Lieutenant-Governor.
  - Official seats 14, including the Lieutenant-Governor.
  - Non-official seats 11.
    - Nomination seats 5.
      - Hindu . . 2
      - Muhammadans 3
    - Election seats 6
      - Hindus . . 2
      - Muhammadans 3
      - Christian . 1

In case it is considered advisable to nominate the Christian representative, the number of the nomination seats can be raised to 6, and of the election seats reduced to 5.

If it were necessary to keep a fixed principle for the representation of the Muhammadan, Hindu, and Christian interests, with due regard not only to their numbers, but also their importance (*i.e.*, other than purely monitory,) the following might be well suggested:—

45	30	1
Muhammadans.	Hindus.	Christian.

(9) At present it is only the interests of communities (per religion) that clash so violently, and in the Punjab the most important classes into which the population is divided by religion are Muhammadans, Hindus, and Christians. Within these communities there may be classes, but the divergence of their interests (if there be any) has not yet come into prominence. The proportion for these communities in the Punjab is stated above; and within the communities both election and nomination should be left to the discretion of the electorate and the Lieutenant-Governor, respectively. It is perhaps hardly necessary to point out that Hindus and Sikhs constitute but one community, Sikhs being but agricultural Hindus. In their hopes, their aspirations, and their ideals they are but one, and, generally speaking, in the eyes of law Sikhs are but Hindus.

(10) The election of non-official members would consist of the election of Muhammadan and Hindus mainly. It would indeed be inadvisable to leave all the non-official election seats in the charge of municipal and district boards. On the reform in municipal and district boards taking place in accordance with the suggestion contained in paragraph 22 of the Government of India letter and as alluded to in answer to question no. 9, these boards will probably become a good electorate for at least some of the unofficial seats. As regards the remaining unofficial seats, it would perhaps be improper to leave the election of one member to the University, not only because it is a purely educational body, but also because its constituents are largely of the official class.

An electorate for the purpose might easily be constituted on the lines suggested in paragraph 17 of the Government of India letter, and after some necessary modifications the said electorate might be constituted consisting of the following classes:—

(1) all who pay land revenue in excess of Rs. 150;
(2) all payers of income-tax on incomes exceeding Rs. 1,000; and
(3) all registered graduates of an Indian University of more than 10 years' standing.

(11) As already stated, the representation by communities would at present meet the requirements of the people and do away with the present clashing and consequent loss of the less wealthy and less educated community. It is not considered necessary, at the present moment, to sub-divide each community into castes or classes for professions; but the general principles enunciated in paragraph 22 (*b*) and 22 (*c*) are obviously sound. In allotting seats to various classes, it is perhaps necessary to remember that however important may be the claims of aristocracy of either land or coin, yet the aristocracy of brain, if it may be so styled, has quite as good a title as others.

(12) Under the existing circumstances, an earnest request for separate representation of Muhammadans has to be made. The danger of the comparatively few Muhammadan electors being as if it were submerged in the flood of the elections of the opulent community is only too real, and based on dearly earned experienced of the past. This representation should at present be partly by election and partly by nomination. As for the electorate, that suggested in paragraph 17 of the Government of India letter would certainly be a very suitable one. In the Punjab all who pay land revenue in excess of Rs. 200 should be amongst the electors. As for (2), the income standard may well be raised to Rs. 1,500 *per annum*.

V. (13) *Discussion of the Budget in the Legislative Council*.—The alterations concerning the discussion of the Budget in the Imperial Legislative Council suggested in paragraph 23 of the Government of India letter are wholesome and useful, and as such should be carried out.

(14) and (15) It is considered necessary and advisable that the questions 14 and 15 should be answered in the affirmative.

FATEH ALI KHAN, QAZILBASH,
President, Anjuman-i-Islamia, Punjab.

Dated Lahore, 18th November 1907.

From—SIR DAVID MASON, C.I.E., Lahore,

To—The Deputy Commissioner, Lahore.

In reply to circular no. 6403, from your office, dated 19th ultimo, I venture to express my opinion on the various questions submitted by the Punjab Government in their no. 2643-S. (Home—Legislative), dated 27th September 1907.

I. (1) *Imperial Advisory Council*.—I am of opinion that such a council would be of great service to the country. As regards the proposed composition, it seems to me most desirable that the hereditary leaders of the people should largely predominate, especially in the case of territorial magnates, who are most in touch with the agricultural peasantry; but I would desire to see the cities also represented by a few men of liberal education, say from 3 to 5, chosen from amongst University graduates of moderate opinion. The views of the educated communities of the cities would, no doubt, be well represented on the Imperial Legislative Council; still it would seem to me desirable to have their opinion available also in the advisory stage, and I would recommend that the proposed number of ruling Chiefs be proportionately reduced. I am of opinion that in any proclamation, announcing the formation of the Imperial Advisory Council, it should be stated that the council would include only such ruling Chiefs and territorial magnates as had secured the confidence of their own people, and had successfully administered their own States or properties: in this connection there is a feeling of apprehension regarding the proposed council, even amongst educated Indians of moderate views.

I am opinion that the Imperial Advisory Council should, under its constitution, be appointed to meet at least once in every year for collective deliberation. In support of this view, I would refer to the last sentence of paragraph 6 of the Government of India letter.

II. (2) *Provincial Advisory Councils*.—I believe that Provincial Advisory Councils would be most useful institutions. I approve the proposal that the provincial members of the Imperial Advisory Council should form the nucleus of the Provincial Advisory Councils. I also approve the nomination of the other members by the head of each province, it being understood that the various interests mentioned in paragraph 6 of the Government of India letter would, as far as convenient, be represented. They should meet at least one a year.

III. (3) *Imperial Legislative Council.*—The proposal to enlarge the Imperial Legislative Council has my warm approval. But I am opposed to a ruling Chief having a seat on this council: in the past such a member might have been of service in an advisory capacity, but I see no reason for continuing the anomaly after the Imperial Advisory Council has been founded.

(4) In my opinion it is desirable that one member from each province should be elected to the Imperial Legislative Council by the non-official members of the respective Provincial Legislative Councils.

(5) I heartily approve the proposal to have one member for each province drawn from the nobles and land-owners, not only on account of their own merits, but as representing the millions of agriculturists with whom they would be in close touch. But I would advocate nomination, from the classes mentioned, by the head of each province, rather than election, for their appointment. I fear that an election in such a constituency as is proposed would be unworkable, or that the person elected by such a constituency would in all probability not be so suitable as one nominated. Many of the best men would undoubtedly not be available under an elective system, for they would not incur the risk of being worsted in an electoral struggle. I presume it is the intention of the Government of India that the member, if *elected* as proposed in paragraph 15, would be one of the class therein referred to; but this is not clearly stated in the first sentence of the paragraph, and the omission would seem to me to create a danger.

(6) While I desire that all communities should be proportionately represented on the Imperial Legislative Council, and that the reasonable views of the Muhammadan deputation of 1st October 1896 should be fully met, I regret I am strongly opposed to giving Muhammadans the privilege of electing any portion of their representation even in such a special case as election by the Muhammadan Fellows of local University, so long as that privilege is denied to similar adherents of other religions.

From paragraph 12, section 2, of the Government of India letter I would accordingly strike out the line—

"(*d*) by Muhammadans . . . . 2"

and I would alter the following paragraph thus:—

"*E*. Non-officials to be nominated by the Viceroy, to represent special interests and minorities, *and to adjust representation* . 6"

Muhammadans and minorities would, no doubt, be satisfied with a pledge that their respective proportions of representation would not be overlooked: the Viceroy may well be trusted to do the rest. Further there is a possibility, though not an immediate probability, of Muhammadans securing a fair representation under sub-sections (*a*), (*b*), and (*c*) of section D (Government of India letter, paragraph 12); in which circumstances it would be undesirable to have four additional seats reserved for them under sub-section (*d*) and the following section E, as they now stand.

IV. (7) *The Provincial Legislative Council of the Punjab.*—I would advocate an increase in the number of members of this council to the utmost extent that could conveniently be counterbalanced by the appointment of official members.

(8) I do not consider that the Punjab is yet ripe for appointment by election: I believe that the best men would be secured by nomination rather than by election. In any case I consider it essential that at least one-third of the non-official members should be appointed on the nomination of the Lieutenant-Governor. I do not feel myself qualified to give an opinion on University matters, but I have a strong conviction that the time has come for the local University to have the privilege of electing a representative to the Provincial Council, as in the case of other Universities: but to secure representation of all interests I would advocate a Muhammadan, Hindu, and Sikh member in rotation. The Provincial Chamber of Commerce, too, has a strong claim for the election of a representative.

(9) I consider that the Punjab Government should determine the proportion of seats to be allotted to each class. Assuming that the number of non-official members would be 10 to 14, I would suggest the following proportions:—

	10	11	12	13	14
Muhammadans	5	5	6	6	7
Hindus	3	3	3	4	4
Sikhs	1	2	2	2	2
Christian	1	1	1	1	1
TOTAL	10	11	12	13	14

(10) I consider nomination would secure a much better representation than election in the present state of the province. But if election should be chosen, then I think each class (Muhammadan, Hindu, &c.) should elect its own representative, thus avoiding religious friction; and that candidates should be elected by the members of groups of municipal committees and district boards, the committees and boards of the cities of Lahore, Delhi, and Amritsar each to elect one member. Lahore and Amritsar should elect a Hindu and Muhammadan alternately, the one being represented by a Hindu, while the other was represented by a Muhammadan, to adjust representation, and Amritsar should always be represented by a Sikh.

(11) In the event of election by classes and groups being adopted, I would change the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) of the Government of India letter.

(12) Whatever may be the manner in which the membership of the Punjab Legislative Council may be filled up, precautions must be taken to ensure proportional representation as suggested in my reply to query (9). But I am entirely opposed to any special elective privileges to Muhammadans that are denied to adherents of other religions.

To give Muhammadans the privilege of election of even a small portion of their representation, in the manner suggested by paragraph 17 of the Government of India letter, might, in my opinion, cause grave discontent amongst Hindus and Sikhs. The laudable object of the concession would be overlooked, religious prejudices might be raised, and (even if worse did not happen) the Government might be considered to have departed from their attitude of strict impartiality in all religious questions. It would further appear to me specially undesirable to give Muhammadan graduates a voice in such elections as creating a precedent which would sooner be urged in their own interests by graduates belonging to other religions.

(13) Yes.

(14) Yes, but *not* by separate heads.

(15) Yes.

D. P. MASON,
Lahore.

Dated Lahore, 21st November 1907.

From—Rai Sahib Narayan Das, Judge, Small Cause Court, Lahore,

To—The Deputy Commissioner, Lahore.

As desired in your letter no. 6403, dated 19th October 1907, I beg to send herewith my opinion on the proposals of the Government of India for the establishment of Advisory Councils and for the enlargement of Legislative Councils, both Imperial and Provincial, and regret the delay in doing so, which has been unavoidable.

To save you the inconvenience of having to go through it in manuscript, I am getting my opinion printed and will send you ten copies of it as soon as I receive them from the press.

NARAYAN DAS,
Judge, Small Cause Court, Lahore.

OPINION.

1. The object of creating the proposed Advisory Councils is to have a body of men of sufficient status and position in the country, who could always be relied upon by the Government to perform the function:—

Firstly, of acting as agents between the Government and the people for the communication and dissemination of correct information with regard to public matters; and

Secondly, of offering advice to the highest authorities in the land on important matters of administration.

2. The first object is of a two-fold nature. It requires in the first instance that the councillors should undertake to remove all misapprehensions that might arise in the minds of the people with regard to special administrative measures by correcting any misstatements of facts or false imputations of motives that might be in circulation with

regard to them, and generally to make the people realise that the underlying motive of all actions of the Government is to promote the welfare and secure the happiness and contentment of its subjects. In the second place, it is intended that these councillors should be possessed of a wide knowledge of the country, and conversant with the daily life of the people so as to be qualified to give expression to their needs and sentiments and speak with authority on their behalf. This latter function of making known to the Government what has been expressively described in the Government of India letter as "the best mind of the people" can only be rightly performed if the information communicated pertains to matters of high administrative importance, and indicates the lines along which action, if taken, would be conducive to the best interests of the country. In order that this object should be fully achieved, the information to be furnished to the Government should be in regard to matters such as the following:—

(*a*) The economical condition of the people, and the causes in operation in the country, if any, which stand in the way of the betterment of that condition.

(*b*) The social life of the people, and particularly those features of that life which have a bearing on the commission of crime.

(*c*) The state of crime in the country with special reference to the causes which bring about a marked increase or decrease in the commission thereof.

(*d*) The effects of the decisions of law courts, and of their procedure on the every day life of the people.

(*e*) The behaviour of the public officers in general towards the people, and especially of those who come in close contact with the people in the performance of their public duties.

(*f*) The feuds, tribal or local, if any, which are likely to affect the public tranquillity.

(*g*) Any general ill-feeling between any of the classes or creeds which is likely to affect the public tranquillity.

(*h*) The relations of the ruling class towards the people.

(*i*) The practical working of the revenue administration of the country, and its effect on the life of the people.

(*j*) The defects, if any, in any of the other departments of State which make them press heavily on the people.

(*k*) The wishes and aspirations of the people in regard to a share in the administration of the country.

(*l*) The sentiments and needs of those sections of the public service which are manned by Indians.

(*m*) The educational needs of the people.

(*n*) The commercial and industrial needs of the country.

(*o*) The special needs of particular communities in backward conditions of life, the provision of which would involve no injury to, or deprivation of, any of the rights of the other sections of the population.

3. From the above it is clear that the duties which the councillors would be called upon to discharge are of an exceedingly responsible character, and would require for their performance with any degree of satisfaction abilities of no mean order. And if the mere work of collecting information and laying it before high officers of Government in a presentible shape should be of such an onerous nature as to call for the display of unusual ability and intelligence the still more important function of offering advice on large and varied questions of administration could, it is manifest, be safely entrusted only to men who are the elect of the land. It has to be borne in mind in devising a scheme for the constitution of Advisory Councils that the councillors will be expected to give the benefit of their advice to officers who are responsible for the Government of the country, and that such responsibility is confided to men who may justly be regarded as representing the best intellect of the world. If the advice to be given to such men is at all to have any meanings and to carry with it the weight and influence which the Government are anxious should attach to it, it should proceed from personages who by force of their character and acknowledged ability are in a position to command the respect and the attention of their hearers. No advice is worth the name if the person who offers it, though proud of his hoary ancestry and conscious of his exalted rank, is at the same time convinced of his intellectual inferiority as compared to the man to whom the advice is tendered. Now is there any chance of the acceptance of the advice, if the officer, who listens to it, does so, not that he entertains any respect for the knowledge or the opinions of him who gives him that advice, but simply because convention requires that he should be permitted to play for the time being the part of an advisor. It is, therefore, essential for the success of the new scheme that the councillors to be constituted

under it should be men possessed of innate worth such as could command the respect and inspire the confidence of the highest authorities in the country. The requisition of an ideal councillor under the scheme would therefore appear to be such as the following:—

(*a*) Wide and intimate knowledge of the country and the people.

(*b*) Good sound education and an observant mind.

(*c*) Freedom from class hatred and bias of every description.

(*d*) Irreproachable personal character.

(*e*) Willingness to render unselfish public service and capacity to take an abiding interest in public affairs.

(*f*) Maturity of judgment, ripeness of experience, gravity of disposition, and a full sense of responsibility.

(*g*) Firmness of character and independence of views, combined with loyalty, to the Government and respect for constituted authority.

(*h*) Good social position and freedom from anxiety for lack of competence.

4. The above are high qualifications, and it would be no easy task to find out men in the country possessed of them for the service of the State. The country is yet in a state of transition and without an intimate knowledge of the people it would be impossible to discriminate between the really deserving and the mere pretentious candidates for office. It is necessary, therefore, in order that serious mistakes in the work of making nominations for the office of councillor might be avoided, that the following considerations should be borne in mind by those with whom rest the duty of submitting recommendations in that behalf:—

(*a*) That the office of a councillor is no sinecure; and that no one deserves to be nominated who, though anxious to enjoy the honour and dignity of the position, is unfit to render the service which the position entails.

(*b*) That the object of making the nomination is not to favour the nominee, but to get from him the work which is required.

(*c*) That the title of Imperial Councillor to be newly created would carry with it high honour and dignity such as would enhance the position and importance in the eyes of his countrymen of the holder of the office, and is sure on that account alone to be greatly coveted after.

(*d*) That the country abounds with men who, though lacking the requisite qualifications for the office, are possessed of dogged perseverance and who would leave no stone unturned to secure nomination. There exist well-found fears that men of this description, unless the most vigilant care be taken to keep them away, would unhappily in the majority of cases succeed in their endeavours.

(*e*) That individual mistakes, though unwittingly committed in regard to such nominations, would have a demoralising effect in the country, and would greatly mar the usefulness of the councils.

5. Having made the above preliminary remarks, I now proceed to answer the questions that have been set forth in the letter from the Chief Secretary, Punjab Government, to the Commissioners of divisions in the Punjab.

With regard to the first question, I am certainly of opinion that an Imperial Advisory Council based on principles enumerated in the Government of India letter would undoubtedly be of great service to the country. I have, however, grave doubts as to whether the object in view would be fully achieved by adoption of the specific proposals as made with regard to its constitution.

The points that in my humble opinion require reconsideration are these:—

(*a*) It is proposed to allot as many as 20 seats to the ruling Chiefs, a number which under existing circumstances would appear to be somewhat large. It is a matter for consideration whether Chiefs of the requisite qualifications for the work to be performed would be forthcoming. Nothing could be happier or more desirable, if, as a matter of fact, ruling Chiefs could be found in large numbers, who evinced an intelligent interest in the affairs of their countries, took pains to make themselves intimately acquainted with the condition of their subjects, and personally directed the course of administration in their States. If a Chief of such a description, having large ideas of his own and possessed of strength of character to give effect to his views in the practical work of administration, could be induced to sit on the council, his presence there would undoubtedly lend peculiar weight and importance to the deliberations of that body. But there is no assurance, with the large number proposed to be introduced, that such Chiefs would not be in the minority in the council. In such a case the advice of the Chiefs would

represent really the views and reflect the opinions of their several confidential advisers, and, by the mere fact of passing through the mouths of the Chiefs, acquire an importance which did not in reality belong to it. The more appropriate course to adopt in such a case would be to make direct appointments of the councillors of these Chiefs on the Advisory Council. This would bring responsibility home to them and take away from them the opportunity of airing their own views in the name and under the protection of their respective masters.

(*b*) The remaining 40 seats it is proposed to allot to the great land-holders of the country. The council would thus come to represent the views of that portion of the Indian community only which at the present time constitutes the aristocracy of the land.

This I say with all respect would be reversing the true position of things in the country. The fact, I presume, will be readily admitted—illustrated as it is by the arrangements in force both in British India and the Native States—that the persons who as a class stand most in need of advice in the management of their own affairs from the British Government and its officers are those who form the aristocracy of the country. And yet it is these very men who according to the proposals as made would figure as the advisers of the Government in its work of administration.

(*c*) Even if these considerations be disregarded and the selection of the councillors, as actually arrived at, held to be open to no objection on personal grounds, the council would, at its best, reflect the views of only one section of the vast mass of Indian population. There could indeed be no harm in such an arrangement, provided it were a fact that there existed no opinion outside the circle of the nobility of the land, or that the nobility had such a complete control over the feelings and statements of middle and the lower classes of the population as to warrant the assumption that the only opinion worth being listened to was that which found its expression through the territorial magnates of the land. The facts, however, are otherwise. The great majority of the land-holders either have no opinions of their own with regard to public affairs or entertain views which are not in accord with those of the rest of their countrymen. Barring the ruling Chiefs, there cannot be said to be any ancient aristocracy in the country. The possession of a large landed estate is in itself no sure sign of an ancient lineage, which has brought to the owners with his acres unimpaired hereditary influence over his fellow-beings. One has but to look at the history of the various families which at the present day come under the category of large landed proprietors, to find out how short-lived has been the continuous possession of land and how unstable the influence which has accompanied that possession. The analogy of countries with a settled Government does not hold good in the case of India, or at any rate of the Punjab with which I am familiar. It is true, in the days of native rule, the holder of a large landed estate or a jagir wielded considerable influence over the people who came in contact with him. But that was because of the peculiar form of Government then prevailing, when distinguished personal merit met with reward in the shape of grants of land or jagirs. It was not only the acquisition of such grants which signified the merit of the acquirer, but the retention thereof for any considerable length of time implied equal worth or force of character. The loss of that merit was followed by the loss of the land or the jagir, the Government of the day being unstable and the times troublous. Things have, however, wholly changed since the advent of the British Government. Peace reigns over the length and breadth of the country. Laws which know of no distinctions of caste or creed ensure the security of life and property. Property once acquired remains safe so long as it is not squandared by the holder himself, or split up into endless divisions by the personal law of inheritance to which he is subject. Personal merit therefore does not necessarily show itself in connection with the possession of land, nor does it follow the transmission thereof from generation to generation. Irrespective of these considerations the pervading spirit of the laws in the land, which constitute the basis of the Government and which do not recognise racial descent or hereditary pride, combined with the democratic tendencies of the civilization of the day, which has made its way into the country, has done much to minimise and undermine the influence of those who have hitherto been regarded as the natural leaders of society. It is not possible I fear to rehabilitate that influence without a radical change in the system of Government. Be the causes what they may, the sentiment is undoubtedly strong in the country that the holders of large landed estates, whose number is after all small, do not as a fact represent the views and opinions of the classes, which are outside their limited circle. The constitution of the Imperial Advsory Council as sketched out is therefore open to the objection that it is a one-sided arrangement, and as such not calculated to inspire confidence in the great majority of the population of the country.

(*c*) (*i*) The constitution as proposed will, it is feared, be looked upon as recognizing the right of only one section of the community to a share in the counsels of the Empire, and this notwithstanding the well-founded belief that the class so intended to be especially favoured has not hitherto been distinguished for interest in public affairs or sympathy with the needs and sentiments of the other sections of the population.

(*d*) The proposal does not appear to be consistent with the *spirit* of the scheme sketched out for the Provincial Advisory Councils, which are not intended to be con-

fined to selection from amongst the land-holding class alone. If persons belonging to other classes of the population are eligible for appointment as members of the Provincial Councils, there would appear to be no good reason why they should be debarred from sitting in the Imperial Councils before which matters of the same description would come up for consideration as would be discussed in the Provincial Councils.

(*d*) (*i*) The grant of the special privilege of sitting in the Imperial Council to the land-holding class to the exclusion of the other classes is open to objection that it goes counter to the spirits of the British Government, and is in conflict with the principles of that Government as laid down in the great proclamation of 1858 by Her Most Gracious Majesty the late Queen Victoria, Empress of India.

(*e*) Such an exclusion of the non-landholding classes from a share in the administration is a departure in the method of Government which ill-accords with the important step recently taken of throwing open to all sections of the community two appointments on the Council of the Secretary of State.

(*f*) The proposal, it is feared, might be treated as a precedent to be followed hereafter in filling up high appointments of trust and responsibility which have hitherto not been the monopoly of any particular caste, class, or creed.

(*g*) The proposal is apt to be regarded as casting an unmerited slur on the loyalty and devotion of the non-land-holding classes of the country.

(*h*) The idea is likely to be misconstrued as evincing a dislike on the part of the Government of India to receiving advice, however competent and well-merited, if it came from outside the territorial magnates of the country.

(*i*) Clause 6 of paragraph 5 of the Government of India letter lays down that the council would deal with such matters only as might be referred to it from time to time. This, if strictly carried into effect, would debar the councillors from performing the important function of laying information before the Government of the condition of the country and acting as the spokesmen of the masses in regard to their needs and sentiments, as contemplated in paragraphs 2 and 4 of the Government of India letter. This is a function on which great stress deserves to be laid (and its omission would detract greatly from the usefulness of the council. Again it would be an unnecessarily hard rule as shutting the door against all suggestions from the council, submitted on their own initiative in regard to matters affecting the administration. So long as the Government reserve to themselves the right of disregarding or disapproving any of the proposals made by the council, nothing but good could flow from granting to the council, under such limitations as might be considered necessary, permission to submit their suggestions with regard to such matters as in their opinion might call for administrative action.

(*j*) It seems necessary to remove the uncertainty which is observable with regard to the times of meetings of the council and the procedure to be followed at such meetings. This perhaps is intended to be effected by supplementary rules to be issued when the councils have been constituted. In my opinion the proceedings of the council need not necessarily be confidential and informal. If the matters referred to is of a confidential nature the proceedings may be treated as such, but to direct the observance of secrecy with regard to all the deliberations of the council would, besides failing of its purpose, take away considerably from the value of the advice and the usefulness of the council. Besides, the members would be but ill-performing their function of making the people acquainted with the measures and the intentions of the Government, if they were prohibited from disclosing to the public the subjects discussed and the decisions arrived at in the meetings of the council.

7. Having dealt with the points which in my opinion call for reconsideration in connection with the proposals as made regarding the constitution and the procedure of the Imperial Council, I would make a few remarks with regard to the procedure of the Provincial Councils before offering my suggestions as to the changes which should be made in the proposals relating to the formation, both of the Imperial and Provincial Councils. I am in accord with the views as expressed in the Government of India letter, paragraphs 6 and 7. My remarks, however, as made in paragraph 6, clauses (*i*) and (*j*) above, in regard to the Imperial Council are equally applicable to the Provincial Councils. I am, moreover, in the case of these councils, in favour strongly of giving to the members the right of addressing the head of the local Government direct on any matter affecting the administration of the province, the interests of the people, or the state of the country, with a view to its discussion by the council in a body or such other action being taken in regard to it as may be considered desirable or called for. The grant of such a privilege would add considerably to the usefulness of the members as making them take a real interest in the affairs of the province and enabling them to perform their duties with credit to themselves and advantage to the State. It is by affording facilities such as these that the object of associating the representative of the people in the administration of the country can, without impeding the free action of the Executive Government, best be achieved.

8. The above being my views, I would venture to submit the following suggestions in respect of the constitution of the Advisory Councils:—

A. Provincial Councils.—(*a*) The number of councillors may be fixed at 25.

(*b*) Suggestions with regard to the persons who should be nominated to the office should be freely invited from the following:—

(*i*) District officers and Commissioners of Divisions.

(*ii*) Heads of departments in regard to the nomination of Government servants.

(*iii*) Ruling Chiefs in the province.

(*iv*) The Senate of the Punjab University.

(*v*) The Chamber of Commerce.

(*vi*) Certain specified municipal committees and district boards which from their importance may be considered deserving of the concession.

(*vii*) Such public bodies or associations in the province as the head of the local Government may specially recognize in this behalf.

(*c*) The head of the local Government will consider the suggestions so received, and after such enquiry, if any, as he may consider necessary, will select the names of persons he considers fit for being brought on the register of approved nominees for the office of a councillor. The number of names to be borne on this register shall in no case exceed 125. These lists will be liable to periodical revision in accordance with the suggestions to be received as stated above.

(*d*) The head of the local Government will, before making his recommendations to His Excellency the Viceroy, arrange to have personal interviews with such of the gentlemen whose names have been entered in the approved list as may not be personally known to him; and, after a full consideration of the qualifications of each of the nominees, will decide which of them should be selected to serve on the Provincial Council and which out of these latter should be proposed for appointment as members of the Imperial Council, and will make his recommendations to His Excellency the Viceroy accordingly.

(*e*) Similar recommendations will, after personal satisfaction as to their fitness, be made in regard to the ruling Chiefs.

B. Imperial Advisory Council.—(*a*) The number of councillors may be fixed at 60.

(*b*) The appointments to be made thus—

(*i*) In accordance with nominations as made by the local Governments of provinces	42
(*ii*) Ruling Chiefs to be nominated by the Viceroy	6
(*iii*) Other appointments to be made by the Viceroy direct . . .	12
TOTAL .	60

C. I would venture to submit the following suggestions in regard to the composition of the two councils, the selection of the members being made in view of the several interests to be represented therein:—

(*a*) The Imperial Advisory Council consisting of 60 members to be made up thus:—

(1) Ruling Chiefs		6
(2) Nominations to be made by the Viceroy from amongst the following representatives of—		
(*i*) the Hindu religion	1	
(*ii*) the Muhammadan religion	1	
(*iii*) the Sikh religion	1	
(*iv*) the Christian religion	1	
(*v*) other religions	1	
(*vi*) non-official European community	1	
(*vii*) other interests	6	
		12

(3) Representatives of the Provincial Councils, six for each to be selected to represent the following, *viz.* :—

(*i*) Land-holders	1
(*ii*) Cultivators	1
(*iii*) Commerce	1
(*iv*) Indian services	1
(*v*) Law	1
(*vi*) Other learned professions	1
TOTAL	6 × 7 = 42
	60

(*b*) The number 25 of the Provincial Council to be made up of the representatives of the following :—

(1) Ruling Chiefs		1
(2) Landholding class		5
(3) The cultivating class to be selected from amongst the zaildars of the province		5
(4) The religions—		
(i) Hindus	1	
(ii) Muhammadans	1	
(iii) Sikhs	1	
(iv) Christians	1	
	—	4
(5) The Indian services		2
(6) The Indian members of the University		1
(7) Law (to be an Indian)		1
(8) Other learned professions		1
(9) Non-official Europeans		1
(10) Municipalities and district boards		2
(11) Commerce		1
(12) Capital and industries		1
TOTAL		25

9. The above disposes of the first two questions. My answer to the first part of question no. 3 is in the affirmative.

In place of the constitution proposed in paragraph 12 of the Government of India letter, I would venture to suggest the following :—

(*a*) The numerical strength of the council including His Excellency the Viceroy may be fixed at 60.

(*b*) This number, having regard to all the most important interests which it is essential should find representation in the council, should be made up thus :—

A.—Officials.

I. His Excellency the Viceroy	1
II. *Ex-officio members*	8
III. Additional members to be nominated, in all	23
	32

			Brought over	32
B.—Non-officials.				
(*a*) To be nominated by the Viceroy—				
(1) Ruling Chiefs	1			
(2) Experts	2			
(3) To represent the learned professions from amongst Indians alone—				
(*i*) Law	1	2	9	
(*ii*) Others alternately	1			
(4) At the disposal of the Viceroy to represent the interests of minorities		4		
(*b*) Elected members—				28
(1) By Chambers of Commerce to represent trade in the hands of—				
(*i*) Europeans	2	3		
(*ii*) Indians	1			
(2) By non-official members in the Provincial Council		7	19	
(3) By land-holders in the provinces excluding Burma		6		
(4) By the Universities to represent the Indians .		3		
TOTAL ...				60

The above proposals would give adequate representation to all the principal interests in the country including those of that portion of the community known as the educated class which would appear to have been passed over in the scheme as given in paragraph 12 of the Government of India letter. It cannot be denied that the educated class in the country, though numerically not very strong as compared to the vast mass of the Indian population, possesses an influence which constitutes one of the most potent forces in the land, which the highest interests of the Government and of the county demand should not be ignored. An impression prevails in the country unfounded that it may be that the educated portion of the community has come to be regarded with disfavour by the Government, and this impression could only be effectually removed by affording tangible proof of the recognition of the importance of the class by allowing to it adequate representation in the council as above suggested.

10. My answer to the 4th question as would appear from the proposals above made is in the affirmative.

11. I approve of the proposal as to the selection of one of the great land-holders of the province to the Imperial Council, and would give the right of such selection to the land-holding members of the six Provincial Councils either from amongst themselves or outside their number provided the member selected possesses certain specified property and educational qualifications.

12. I am opposed to the appointment of Muhammadans in the Council as contemplated by the proposals made in paragraph 12 of the Government of India letter. This opposition is due not to the circumstance; that being outside their faith. I have no sympathy with their aspirations, or that I wish to stand in the way of their progress as a separate community, but to the firm belief founded on the most anxious and careful consideration of the Hindu and Muhammadan problem in the country that the right way to advance for any community is by means which are not calculated to promote racial jealousy, accentuate religious differences, engender bitterness of feelings, or excite hatred and contempt for the other communities in the country. My opposition to the proposal is based on the following considerations, *viz*:—

(*a*) The object of the proposal is to secure adequate representation of Muhammadan interests in the council which it is feared will suffer by the fact of the Muhammadans being in the minority of the country and of their being in a backward condition. Granting that these fears are well founded and that special measures are required for the safeguarding of Muhammadan interests in the council, the object can be fully achieved without exciting racial jealousy or embittering religious differences. The proposals as above made provide for the appointment of 19 out of 28 non-official members by the system of election. It cannot be supposed that instances might take place in which not a single Muhammadan was returned as a member by any of the bodies to whom the right of election is proposed to be given. But even if such an untoward result did take place, the difficulty could be amply met by the Viceroy appointing the required number of Muhammadans out of the 6 seats placed at his disposal to be filled by the system of nomination, omitting from consideration the appointment of one ruling Chief and two experts, which would likewise have to be effected by the system of nomination.

(*b*) The object referred to in paragraph 16 of the Government of India letter to the effect that the system by which hitherto appointments of Muhammadans by nomination has been made, has frequently failed to secure the appointment of Muhammadans of

the class, by whom the community desires to be represented, does not seem to be, when carefully analysed, possessed of much force. It is difficult in a country such as India for any section of the Muhammadan community, however high placed and influential it may be, to profess to speak in the name and on behalf of the entire body of Muhammadans in the land. The objection, referring as it does to a class, would imply that those who assume the responsibility of voicing the sentiments and wishes of the Muhammadan community as a whole, recognise differences of opinion amongst the Muhammadans and would deny to those, who hold opinions different from their own, the character of a representative Muhammadan, even though such persons might, in the opinion of the Viceroy or the head of a Provincial Government, be considered fit to represent the Muhammadan community. Whether this difference in views be in matters political or religious, it is clear that in either case the objections resolve itself into a discussion of questions of a highly controversial character which a calmer consideration of the whole subject demands should be avoided. Nor do I think even the wisest heads in the community could succeed in devising a scheme which would ensure the return invariably of persons of one set of opinions and views and the exclusion of other even if such a scheme were permitted to have full play. There is no particular charm in the system of election such as could be said to result in Muhammadan interests being always represented by the most desirable and competent set of persons available in the country. If as regards the communities who are either admitted or alleged to be in a much more advanced state of knowledge, the system of election is held to be unsuitable for purposes of representations, it is difficult to believe that it would have the effect intended in an admirable manner in the case of Muhammadans whose particularly backward condition it is the avowed object of all to improve.

(*c*) There is a possibility, nay, the likelihood of the proposals, if accepted, resulting in an undue preponderance of Muhammadan interests in the council to the detriment of those of the other communities in the country. Of the 54 members proposed 31 including the Viceroy and experts may safely be set down as belonging to the non-Indian community, leaving 23 seats for distribution amongst the different sections of the Indian population. If the two seats allotted to the Chambers of Commerce be excluded from consideration for the same reason, the number is reduced to 21. It is not impossible to suppose that out of the 14 members to be elected by the Provincial Council and the land-holders of the six provinces, as many as eight if not more may at any time happen to belong to the Muhammadan faith. If to this number be added 4, the seats proposed to be reserved for them under the arrangement contemplated the total number of Muhammadans would come up to 12 leaving only 9 seats to be competed for by the other influential communities in the land. This would certainly give to the Muhammadan community a prominence which they themselves have no wish to lay claim to.

(*d*) Representation by election has, for reasons which need not be gone into here, rightly or wrongly come to be regarded as a special privilege which is greatly coveted after. The grant of this privilege regardless of its practical results to the Muhammadan community is sure to be misunderstood and misrepresented. There would be but few who would stop to look at the concesion from the affirmative point of view, as affording a possible solution of a difficult political problem. The great majority would concentrate their attention on the opposite side of it, as marking the refusal of the Government to allow people of other faiths to partake of it, a refusal which will be interpreted as amounting to preference of the Muhammadan religion over the other religions in the country. This impression will grow and deepen and the cooler heads of the community will find it impossible to prevent its taking root. The mischievous elements in the Muhammadan community are likely to seize upon the fact as a pretext for the assumption of an attitude of superiority based on religious considerations, a contingency of which recent events have shown to be productive of immense harm to the country.

(*e*) The preferential treatment accorded to the Muhammadan community in this respect is apt to afford to individual officers having power and patronage at their command an excuse for the display of undisguised preference in the administration of public affairs based on considerations of religion alone. Instances of the display of such preference in an objectionable manner have not been wanting in the past and they are likely to multiply by reason of the possibility of the action of the Government of India in this respect being misunderstood.

(*f*) If the decision as to the special representation of Muhammadan interests in the manner proposed be irrevocable, I would, with reference to the latter part of the 6th question, venture to suggest that such representation should take place by the vote not merely of the Muhammadan members of the councils, but all of them taken together, as an evil, from which the least harmful consequences could be anticipated. This proposal, while it would secure the object in view, would at the same time minimise the bitterness of feelings and bring about cordiality of relations between the different religious elements in the councils. I am opposed to the creation of a speial electorate referred to in paragraph 18 of the Government of India letter in the manner proposed for reasons hereinbefore given.

13. Before answering the questions relating to the Provincial Legislative Councils in the Punjab, I would give my own scheme in regard to the constitution of the council which in my humble judgment is called for in consideration of the special circumstances

of the Province. This would enable me to record my answers to the several questions propounded without any lengthy exposition of my views. The scheme is as follows:—

(*a*) The number of councillors should be 25 to be composed of 14 officials and 11 non-officials.

(*b*) The non-officials should represent the following principal interests in the country:—

Religions	3
Professions and occupations	6
Minorities and miscellaneous interests	2
TOTAL	11

The distribution of these interests should be made in the manner following:—

Religions—		
(*a*) Hindus	1	
(*b*) Muhammadans	1	
(*c*) Sikhs	1	
		3
Professions and occupations—		
(*i*) Large land-holders	1	
(*ii*) Cultivators of land	1	
(*iii*) Chambers of Commerce	1	
(*iv*) Industries and Capital	1	
(*v*) University	1	
(*vi*) Law	1	
		6
(*vii*) Minorities and miscellaneous interests		2
TOTAL		11

(*c*) The appointments on the council to be made partly by nomination, partly by election, and partly by nomination and election combined, in the manner following:—

1. To be nominated by the head of the local Government—		
(*i*) A representative of the large land-holders of the Province	1	
(*ii*) To represent minorities	2	
		3
2. To be elected by—		
(*i*) Chamber of Commerce	1	
(*ii*) University (an Indian)	1	
(*iii*) Representatives of registered companies in the Province with a minimum capital of one lakh of rupees to represent industry and capital	1	
(*iv*) Indian advocates and pleaders of the Chief Court	1	
		4
3. Partly by election and partly by nomination—		
(*i*) The district boards in the Province will, according to the divisions,, elect one candidate in each division to represent the cultivators of land, and from amongst the 5 persons so elected the head of the local Government shall nominate the candidate who appears to him to be most suitable for appointment	1	
(*ii*) The local Government will permit such religious associations in the Province as may be specially recognized in this behalf to submit nominations in respect of the representatives in their respective religions. Each association submitting one name in respect of the religion professed by it. From amongst the names so received the local Government will select the names of three persons who should in its opinion be appointed to represent the three principal religions in the Province. I have not proposed any representative for the Christian religion as I think the interest of that religion will be duly safeguarded by the official members of the council	3	
		4
TOTAL		11

14. Having made any suggestions with regard to the constitutions of the Punjab Provincial Council and the method of its formation, I now proceed to answer the several questions given in the Punjab Government letter. The answer to question 7 is, as will appear from the above, in the affirmative, the figure being 25.

15. Question no. 8 has been disposed of by the scheme above suggested.

16. My answer to question 9 is as follows:—

(*A*) I am unable to agree with the suggestions made in paragraph 22 of the Government of India letter. The proposals as therein made consist of—

(*a*) The division of the population of the Province into different classes according to—

(*i*) race,

(*ii*) caste,

(*iii*) religion.

(*b*) The allotment by the local Government of the number of seats on the council to the several classes so determined.

(*c*) The preparation of list of voters in respect of each of the classes so determined from amongst—

(*i*) the members belonging to each class who hold or have held office in the municipal or local boards;

(*ii*) such persons as the local Government may nominate after consultation with local associations, etc., for inclusion in a supplementary list of voters for each class.

(*d*) the election of the representatives of each class according to the number fixed by the voters of that class.

(*B*) My reasons for disagreement with the proposals as above summarised are these:—

(*a*) I am afraid neither race nor caste can be adopted with any hope of advantage for the division of the whole population of the Province into different classes as desired. There are no well-defined or ascertainable ethnological data which could afford a basis for the division of the people into different classes according to races. It is difficult to understand the meaning of the term race as used in the Government of India letter as distinguishable from the word caste. The census reports seem to use the words caste, tribe, and race in one and the same sense. The division of the people will therefore have to be made into different classes according to differences only in caste. It would, however, be impossible to keep such classes distinct from those formed by a distribution of the people over the several religions in the Province, for persons belonging to one and the same caste are spread over more religions than one. Take, for instance, such castes or tribes or races as Jats and Rajputs, and these are to be found not only amongst Hindus, but Sikhs, Muhammadans, and Christians as well.

(*b*) The practical result of the attempted distribution will be that the classes will have to be formed according to religions. Such a distribution will involve the reconsideration of the allotment of seats on the Council, which, too, would have to be made according to the several religions prevailing in the Province. I am not sure that religion is the only consideration which deserves to be taken into account in determining the several interests which should find their representation in the Legislative Council of the Province. There are various interests in one and the same religion which are not in accord with each other and which for purposes of legislation may stand in need of separation. If therefore it is necessary to sub-divide representation by religion into occupations, the process will have to be resorted to in respect of each religion. This would be accentuating differences in religion to a degree, and perpetuating them in a manner, which would be harmful to the best interests of the country.

(*c*) It is not apparent why caste should be taken as the basis of consideration for purposes of representation. Differences in caste amongst the Muhammadans are not so pronounced as those prevailing amongst the Hindus, but even in the case of the latter they have reference to considerations affecting the social life of the people and have no concern with questions of a political nature. To introduce politics into the social life of the people would be a departure in the method of government which no well-wisher of his country could look upon with equanimity.

(*f*) The cause of social reform would be greatly retarded, if not arrested, by the adoption of the proposals as made. If the people are prepared to relax the rigor of caste and to allow of a more wide-spread fusion of the classes amongst Hindus than is possible under existing circumstances, it is desirable that such laudable attempts on their part should meet with the sympathy, if not the active support, of the Government. The proposals made, however, are calculated to put into active operation forces which would be antagonistic to the cause of social reform.

(*g*) It would be difficult to prepare lists of voters such as are intended, but supposing that satisfactory results can be obtained in this direction, the election of class representatives in the Council woud have to be spread over the whole of the Province which would not be an easy matter.

(*C*) I am opposed to the changes sought to be introduced into the constitution of the municipal and local boards on the principles referred to in paragraph 22, clause (*c*), of the Government of India letter. It has to be borne in mind that the statutory formation of these bodies is formed on considerations which have nothing to do with the distinctions of the people from the point of view of caste. To introduce such considerations in the administration of the affairs of these bodies, without recasting their constitutions, as separately determined by legislative measures, seems, in my humble judgment, to be open to objection. Taxation, which is the one of the principal features of municipal and local boards, does not proceed on caste considerations, nor are measures of a sanitary nature, or those connected with the improvement of towns and villages, framed in distinctions of the people based on differences of caste or creed.

I am strongly opposed to the proposal that voting for a representative of one class should be confined to voters of that class alone. Such a proposal would promote disunion and discord among the people, and would result in want of harmony in the practical working of the local bodies. A wider and more catholic view of the good of the people as a whole would require that petty differences of the nature referred to should be disregarded, as standing in the way of social and religious reforms of the country.

The changes proposed seem to be intended to remove the evils which are alleged to result from the system to election at present in vogue. The remedy, however, in my humble opinion, would seem to be worse than the disease. The only true solution of the difficulty, if it is found to exist, is to boldly declare that the election system based on principles in harmony with the spirit of the laws in force is unsuited to the existing circumstances of the country, and to have resort to a system of nomination such as might result in a better and more satisfactory representation of the people on the municipal and district boards.

(*D*) The interests that I think should find representation are those which I have indicated in the scheme above suggested, and I do not think that there exists any other class in the Province which at the present stage of its development stands in need of recognition for purposes of representation.

17. The scheme above set forth sufficiently answers question no. 10.

18. Question no. 11 is disposed of by my remarks in paragraph 17 above.

19. For my answer to the 12th question see my remarks made in paragraph 12 above.

20. I would answer the 13th, 14th and 18th questions in the affirmative.

21. Before I conclude I consider it necessary to explain that if I have ventured to suggest modifications in the scheme which has been propounded by the Government of India, it is because I feel that the various forces that are now at work in the country demand that due notice may be taken of them, and that the form which the scheme should finally assume should be such as might commend itself to the hearty approval of the intelligent and sober sections of all classes of the Indian population. It cannot be denied that there are men in the country outside the machinery of administration who are possessed of ability of the highest order, and who, though willing to work in the interests of the country in harmony and co-operation with the Government, find no opportunities under existing circumstances of making their voice heard with effect by those to whom is entrusted the practical direction of public affairs.

Being convinced of their own power to do good and imbued with lofty sentiments of patriotism they cannot allow their energies to lie dormant. It will not do to ignore the existence of such influential men in the country. To ignore them is but to add to their strength, for disregard is the outcome of contempt, and an open display of that sentiment would rouse fresh energies in them which would lend additional vigor to the influence they already enjoy. The consequence hitherto of such disregard of men of this description has been to force them to join or form organisations which either do not work in harmony with the officials or assume an attitude of direct antagonism to the machinery of Government. If the direction of public affairs were so modified as spontaneously to draw to the co-operation and help of Government the brains and guiding spirits of these organisations, not only would the forces working towards a good and orderly Government of the country, combine coolness, but the boisterous and the frothy sections of the community would have the wind taken out of their sails, and ther power to do mischief would be brought to an end. Finding no one under whose protecting genius they could combine or whose moral support they could invoke in carrying on what may well be called a propaganda of discontent, even they would not take long to find out that there exist better and higher fields of work to which they might devote their energies with profit to themselves and the good of their country.

There can be no doubt that this scheme of reform, based as it is on principles such as have been propounded in the Government of India letter, if modified in accordance with the views which might be found to represent the best minds of the people, and carried into effect in a spirit conciliatory of all classes, would constitute a land mark in the history of India as eminently calculated to advance the happiness and promote the welfare of its vast population.

LAHORE: }
The 21*st November* 1907. }

NARAYAN DAS,
Judge, Small Cause Court.

No. 812—1907, dated Delhi, 14th November 1907.

From—JAMES PRENTICE, Esq., C.A., Secretary, Punjab Chamber of Commerce,

To—The Deputy Commissioner, Lahore.

With reference to my letter no. 569—1907, dated 28th October 1907, I beg to enclose herewith copy of a letter which my committee have to-day addressed to Mr. R. Humphreys, C.S., Deputy Commissioner, Delhi District, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

J. PRENTICE,
Secretary, Punjab Chamber of Commerce.

No. 814—1907, dated 9th November 1907.

From—JAMES PRENTICE, Esq., C.A., Secretary, Punjab Chamber of Commerce, Delhi,

To—The Deputy Commissioner, Delhi.

With reference to your circular no. 1371, dated 17th October 1907, I am instructed to forward my committee's opinion on the proposed measures for giving the people of India wider opportunities of expressing their views on administrative matters.

I. (1) *Imperial Advisory Council.*—My committee approve the proposal to constitute an Imperial Advisory Council and do not wish to suggest any alterations therein.

II. (2) *Provincial Advisory Council.*—My Committee approve the proposal to constitute a Provincial Advisory Council, and note with special satisfaction that the Government of India in their letter nos. 2310—2317, dated Simla, 24th August 1907, paragraph 6, distinctly lay down that it is "*essential*" that "industry, commerce, and capital" (among other interests) should also be included in the council.

III. (3) *Imperial Legislative Council.*—My committee approve the principle of enlarging the Imperial Legislative Council, and they are in accord with the general lines on which it is proposed that such enlargement should proceed; they are, however, strongly of opinion that the immensely important commercial interests of India should be accorded more adequate representation than the scheme provides for. They would urge that the Calcutta and Bombay Chambers of Commerce, though doubtless entitled by their status to elect one member each, as is proposed, are not representatives of the diverse commercial interests of the whole of this great country, and in particular are not representative of those two main bodies of commercial interests which in Northern India may be considered to be represented by the Upper India, the Karachi, and the Punjab Chambers of Commerce, and in Southern India by the Madras and Rangoon Chambers of Commerce. They would therefore suggest that an additional commercial member should be allotted to Northern India and another to Southern India, to be elected either conjointly or in rotation, the latter, preferably, by the two groups of chambers above mentioned. They hope that the Commissioners and the Deputy Commissioners of Lahore and Delhi, who have special opportunities of appraising the magnitude of commercial interests in Upper India, will see their way to give to this suggestion the great advantage of their official approval and support.

(4) My committee approve the proposal that one member should be elected by the Provincial Legislative Council to the Imperial Legislative Council.

(5) and (6) My committee do not think that the subjects of these two questions come within the special province of the Chamber as such, and they therefore refrain from expressing any opinion.

IV. (7) *The Provincial Legislative Council in the Punjab.*—My committee would advocate a liberal increase in the present number of members of the Punjab Legislative Council in conformity with the general principle underlying the whole of the proposals now under consideration as enunciated by the Government of India, namely, the desirableness of "giving the people of India wider opportunities of expressing their views on administrative matters." They do not feel competent to suggest an exact number.

(8), (9), (10), (11), and (12) For the reason given in their reply to questions (5) and (6) my committee refrain from expressing any opinion on the matters embraced by questions (8) to (12) inclusive. But they would ask to be allowed to urge with special emphasis the powerful claims of commerce and industry (both of which are rapidly growing factors in the economic well being of this province), to be allotted on a permanent basis, a special representative in the Provincial Legislative Council. They are also strongly of opinion that the electorate best qualified by its constitution to nominate a suitable representative of commercial and industrial interests in this Province, is to be found in the Punjab Chamber of Commerce and earnestly hope that the Commissioners and the Deputy Commissioners of Lahore and Delhi, with their special knowledge of the character of the chamber and of the interests which it has been created to promote, will see their way to support their recommendations in this matter.

V. (13) *Discussion of the Budget in the Legislative Council.*—My committee approve the proposal to alter the system of discussing the Budget in the Imperial Legislative Council in the manner suggested in paragraph 23 of the Government of India's letter.

(14) My committee consider that it is desirable that the Provincial Budget should be discussed in the Provincial Legislative Council, but they do not think that the time has come when its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India's letter would be advantageous.

(15) My committee advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

J. PRENTICE,

Secretary, Punjab Chamber of Commerce, Delhi.

No. 229, dated Lahore, 22nd November 1907.

From—Lala Jai Kishen Das, Rai Bahadur, General Secretary, Punjab Hindu Sabha, Lahore,

To—The Deputy Commissioner, Lahore.

On behalf of the Punjab Hindu Sabha I have the honour to acknowledge the receipt of your letter no. 6437, dated the 28th October 1907, forwarding printed copies of letters from the Punjab Government and the Government of India regarding the measures proposed for giving the people of India wider opportunities of expressing their views on administrative matters. Thanking the Government for the opportunities afforded to the Sabha for offering its opinion on the measures proposed, I beg to submit them as follows:—

Imperial Advisory Council.—The object of this council has not yet been fully comprehended by the people at large, and in the absence of further information as to the matters to be referred to this body and the use to be made of its deliberations, the Sabha cannot form any definite opinion as to how far it would be serviceable to the best interests of the country. Since, however, it appears from the Government of India letter, paragraph 4, that it is desired by means of this council to associate the ruling Chiefs and territorial magnates with the Governor-General "in the guardianship of common and imperial interests," this Sabha begs leave to point out that neither of these classes of men are in touch with masses of the people of British India, and it is not easy to see how they could help to bring the Government and the people closer to each other. They can be hardly expected to represent adequately the views and sentiments of the latter, or to explain to them the intentions of the former for the benefit of the people at large. With regard to the "territorial magnates" the Sabha begs leave to submit that as a class, this body has not yet been known to take much interest in public affairs, so far as, at any rate, this Province is concerned. Under the circumstances, the Sabha is of the opinion that ruling Chiefs and territorial magnates would hardly be of much use in an Advisory Council so far as popular interests are concerned.

If, however, the Government of India decides upon constituting an Advisory Council consisting of ruling Chiefs and territorial magnates as proposed, the Sabha would humbly suggest that in order to give a popular leaven to it and bring it into touch with the growing public opinion in what may be called the lower strata of Indian Society, the elected members of the Imperial Legislative Council should *ipso facto* be included in this council, either in addition to 60 members proposed by the Government of India, or within that number, as may be found desirable. This Sabha would further suggest that, as far as possible, the collective opinion of this council be obtained on matters referred to it, and that every possible publicity be given to its deliberations in order to keep up the confidence of the public in its working. The members of the council may also be allowed the privilege to suggest individually or collectively any useful reform, point out any drawback of a measure to be adopted by the Government.

II. (2) *Provincial Advisory Council.*—The Sabha is of opinion that the Government's proposal to include in the Provincial Council representatives of other interests, besides the landed one, is very well-advised. The different professions, commerce and

industry should also find ample representation in this body. This Sabha agrees with the Government of India letter, paragraph 6, that the membership of this council should be large enough to provide for the adequate representation of all the interests existing in the Province. It is also humbly suggested that the elected members of a Provincial Legislative Council be *ipso facto* members of the Advisory Council of that Province.

III. (3) *Imperial Legislative Council.*—(*i*) While approving of the proposed enlargement of this council on the general principle of allowing a wider representation of interests, the Sabha cannot view with favour any scheme that is calculated to accentuate sectional or racial differences and give undue preference to any particular class. In the scheme sketched out in paragraph 12 of the Government of India letter, provision is made under D (*d*) for two Muhammadan members to be returned by a special Muhammadan constituency in addition to such members of that community as may be returned by the mixed electorates under D (*b*) and D (*c*) and also in addition to members of the same community proposed to be nominated by the Viceroy under E for the representation of minorities and special interest. If the object of giving this special representation to Muhammadans be to safeguard the interests of a community which taking India as a whole is in minority in relation to the Hindus, this Sabha would beg leave to observe that a similar claim may with justification be preferred by other communities similarly situated. For instance, the Hindus, being in a minority in the Punjab and in Eastern Bengal and Assam, may claim special representation in the Legislative Council of these Provinces, while the Parsi community, which wields a degree of influence in the intellectual and commercial life of the Bombay Presidency, may feel entitled to put forth a similar claim. Indeed, since the publication of the Government of India proposals, Sikhs, Native Christians, and other comparatively small communities are understood to have expressed a desire for special seats to be reserved for their respective communities. In the opinion of the Sabha this feature of the scheme, if retained, would prove a perpetual source of friction and heart-burning and lead to the accentuation of class differences which in a country like India require to be bridged over rather than widened. It would also go to mar the popularity of a scheme that might otherwise command general approval.

(*ii*) The official majority of 36 to 18 including the nominated members is by far too much. It could be safely reduced 30 to 24, without in any way endangering the position of the Government.

(*iii*) The commercial interests could not be adequately represented by 2 members elected by the Chambers of Commerce at Calcutta and Bombay, as there are wider interests involved. Invariably these elections are likely to result in the return of Europeans to the council. The Indian interest and the interests of other provinces would not have any representatives. Therefore it is suggested that the number of commercial members be raised to 5, guaranteeing 3 Indians to 2 Europeans and having an adequate representation of the whole of India's commercial and industrial interest.

(*iv*) The land-holding interests are being given too much importance. They may be reduced to say, 5 members from 7.

(*v*) The interest of education have been entirely ignored in the scheme. This is hardly justified. The five universities should be given one representative each through their graduates of certain standing. Thus the numbers will work out as under:—

The Viceroy	1
A. *Ex-officio*, the Lieutenant-Governor of Bengal (or of Punjab) when the council assembles in Simla, the Commander-in-Chief, and the members of the Executive Council	8
B. Additional officials to be nominated not exceeding	16
C. A ruling Chief to be nominated by the Viceroy	1
D. Elected members—	
(*a*) By the Chambers of Commerce of Calcutta and Bombay and other commercial and industrial associations	5
(*b*) By the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	7
(*c*) By the nobles and the great land-owners	5
(*e*) By law and education	5
E. Non-officials nominated by the Viceroy to represent minorities or special interests	4
F. Experts to be nominated by the Viceroy, when necessary for special purposes	2
	54

(4) Yes, the Sabha approves of the suggestion made in paragraph 13 of the letter.

(5) The Sabha does not think election will succeed in this cause. Artificial suffrages proposed would not have any coherence in interests. Therefore nomination would be the best method of bringing land interests into the council. The Sabha would also humbly suggest that only English-knowing nobles and land-owners be taken on council.

(6) The Sabha does not approve of any concession to any community based on differences of religon or creed as submitted above.

IV. (7) *The Provincial Legislative Council.*—The Sabha would advocate the increase in the number of members on the Provincial Legislative Council to at least 25.

(8) The Sabha would have at least three-fourths of the non-official seats filled by election.

(9) The Sabha does not approve of classification of seats by race, caste, or religion as proposed in Government of India letter, paragraph 22 (*a*).

(10) The Sabha would suggest the following constitution for the Provincial Council, the proportion of non-official to official seats being, as will be seen, 12 to 13—

Official members	13
Non-official members—	
Nominated	5
Elected—	
By district boards	2
By municipalities	2
By University	1
By law and education	1
By Chamber of Commerce	1
	25

(11) As already stated under paragraph 9 above, the Sabha does not approve of separate representation of classes into which the Province is divided by race, caste, or religion, as suggested in Government of India letter, paragraph 22 (*a*), and has therefore no proposal to offer under this head.

(12) The Sabha does not approve of separate representation of Muhammadans in addition to that opened to them by nomination or election and so has no suggestion to offer on that score.

V. (13) Yes. Discussion on Budget should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes. The Sabha thinks Provincial Budget be discussed in the Provincial Councils in the manner indicated in paragraph 23 of the letter.

(15) The Sabha certainly advocates the power of interpellation to be given to members of the Provincial Council in the Punjab.

JAI KISHEN DAS,

General Secretary, Punjab Hindu Sabha, Lahore.

Dated Lahore, 4th December 1907.

From—Rai Sahib Lala Mohan Lal, Proprietor, Mufid-i-Am Press, and Honorary Magistrate,

To—The Deputy Commissioner, Lahore.

With an apology for the delay in replying to your communication no. 6403, dated the 19th October 1907, I most respectfully beg to submit my views regarding the proposal for the formation of Imperial and Provincial Advisory Councils with the object of giving the people of this country greater opportunities for the expression of their opinions on administrative matters.

I. (1) *Imperial Advisory Council.*—I am of opinion that the Imperial Advisory Council constituted generally on the lines sketched out in paragraph 4 of Sir Harold Stuart's letter would be of the greatest assistance to the Government of India and at the same time be a step in the right direction for the good of the people of the country. A really good selection of the very ablest men taken from the ruling Chiefs, territorial magnates, representatives of the commerce and industry of the country, with a small

selection from the educated classes, would form a body of men through whom the Government should be able to ascertain the feelings and needs of the masses, and with their advice the Government would be in a better position to know what is really necessary for the good of the people and the country. This will no doubt result in a better feeling and understanding between the Government and the people.

Regarding paragraph 5 (1), (2), (4), (5) and (6) I have nothing to suggest, but in connection with sub-paragraph (3) I am of opinion that the Imperial Advisory Council should be thoroughly representative of all classes of the community, officials, ruling Chiefs, land-holders, commercial and industrial classes with a leaven of the educated classes. It is suggested that the council should contain 20 ruling Chiefs which besides territorial magnates would mean that representation of the landed interests would be overdone and I do not think that this class should preponderate to this extent. Further, I am of opinion that ruling Chiefs and territorial magnates are not in touch with the masses of the people to the extent of conditions prevailing some 30 or 40 years back, and in all cases could not sit in the Advisory Councils as real and thorough representatives of the people.

Regarding paragraph 7 I am strongly of opinion that the proceedings of the Imperial Advisory Councils should be made public, as I think such a step would be advantageous both to the Government and the people. It would be the means of letting the public know how their interests were being cared for and treated and would allow of discussion in the Press from which the masses derive their information, and would show Government the feelings of the people through the same medium. With the right body of men the publicity given to their opinions should make no difference in the frank and open interchange of views.

II (2) *Provincial Advisory Councils.*—I am of opinion that the same principles as adopted in the Imperial Advisory Council should be applied in the nomination of the Provincial Advisory Council, but that in addition members should be drawn from what may be termed the lower circle of society. By this I mean that the professions, commerce and industries, the trades should be represented by the very ablest men which should be large enough to embrace all the interests in the Province.

Regarding the method of selection of the Provincial Advisory Council, I am of opinion that the wisest and safest course would be by nomination, as the time has not yet arrived for healthy election to be possible. This is proved in the election of members of district boards and municipalities where it has been shown that it is impossible by election to secure the right body of men who have the welfare of the country and people thoroughly at heart.

III. (3) *Imperial Legislative Council.*—I approve of the proposed enlargement of the Imperial Legislative Council with a view to admitting wider interests, but I am against any partiality of the country, and well-being of the people is in a great measure due to the commerce and industries of the country. I am in favour of an increase to the number to be elected by the Chambers of Commerce in Calcutta and Bombay, and at the same time allow the National Chambers of Commerce at the various centres (which consist of Indian merchants) to appoint a member each. I am against any class being allowed to preponderate in the Government Councils and this should be avoided as far as possible, otherwise any distinctions will undoubtedly cause resentment.

III. (4) I agree that the Governors and Lieutenant-Governors of the various provinces should nominate one member for the Imperial Advisory Council.

III. (5) I approve of the nomination of one of the largest land-holders in this Province to the Imperial Legislative Council. Should, however, it be desired by the Government that this member should be elected by the electorate proposed, I fear there would be a very limited body, and the result would not, I imagine, be found satisfactory.

IV. (7) *The Provincial Legislative Council of the Punjab.*—I would suggest an increase in the present number of members to 16. I am of opinion that 8 of these should be non-official and fully represent the various interests of the Province.

IV. (8) I favour the present system of nomination and would not have the seats filled by election for the reasons already stated.

IV. (9) The Government is in the best position to allot the seats with due regard to the various interests involved.

IV. (12) I do not think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination.

V. (13), (14) and (15) I beg to reply in the affirmative.

MOHAN LAL,

Proprietor, Mufid-i-Am Press,

Honorary Magistrate, Lahore.

Dated Lahore, 28th November 1907.

From—JAMES LEADLECATES, Esq., Secretary, Punjab Trades Association,

To—The Deputy Commissioner, Lahore.

I am directed by the committee of the Punjab Trades Association to reply to your circular letter no. 6403, dated the 19th ultimo, and to express their regret that they have been unable to meet in good time to consider this important subject in all its bearings, or to give you an earlier reply.

For the sake of brevity, questions in which my committee do not consider they are directly interested are not referred to.

Question (1).—We consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country; we have no suggestions to offer in respect to its constitution and duties.

Question (2).—We consider that a Provincial Advisory Council would be a useful institution, but we do not concur in the principle of nomination suggested in paragraph 4 of letter no. 2643-S., dated the 27th September 1907, to Commissioners. We think that at least one member representing each interest should be elected by the community he represents, and, if possible, he should be the chairman of some recognised association or body formed by his community.

Question (3).—We concur in the proposed enlargement of the Imperial Legislative Council.

We suggest that the interest of commerce and trade in various centres, other than Calcutta and Bombay, should be represented by the nomination of members by the Chambers of Commerce of Madras, Rangoon, Upper India, Punjab and Karachi.

Question (4).—We approve of the proposal that one member should be elected to the Imperial Legislative Council by the Provincial Legislative Council.

Question (7).—We advocate an increase in the present number of members in the Punjab Provincial Legislative Council, but we cannot venture to suggest the limit.

We consider that a seat should be given to one elected member of the European trading community.

Question (8).—We would have at least half of the unofficial seats filled by election.

Nomination is not ordinarily desirable as the voice of a community is not heard through such members.

Question (9).—We advocate a fixed rule determining the proportion of seats to be allotted to each class. The classes that should be represented and the proportions might be decided from time to time as the public spirit of the various communities demand.

Question (10).—We advocate election through municipal or district boards on the system suggested in paragraph 22 (*b*) and (*c*) of the Government of India letter.

Question (11).—Advocating separate representation of classes we would carry it out in the manner proposed by the Government of India, with the changes in the constitution of municipal and district boards indicated (paragraph 22 (*a*), (*b*), and (*c*) of the Government of India letter).

Question (13).—We consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

Question (14).—We consider that the Provincial Budget should be discussed in the Punjab Legislative Council by separate heads.

Question (15).—We advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

JAMES LEADLECATES,

Secretary, Punjab Trades Association.

No. 461, dated 7th December 1907.

From—MILES IRVING, Esq., I.C.S., Deputy Commissioner, Amritsar,

To—The Commissioner, Lahore Division.

With reference to correspondence closing with this office no. 393, dated 8th October 1907, I have the honour to forward my answers to the questions on the proposed changes

in the Imperial and Provincial Councils and those of the following public bodies and gentlemen:—

The Hindu Sabha, Amritsar.

The Anjuman-i-Islamia, Amritsar.

The Chief Khalsa Diwan, Amritsar.

Sardar Jiwan Singh.

Sardar Sunder Singh.

Bhai Gurbaksh Singh.

Thakur Mahan Chand.

Sardar Sher Ahmad Khan, C.I.E.

Sardar Lachmi Sahai.

Sardar Arur Singh.

Sardar Bikram Singh.

MILES IRVING,

Deputy Commissioner, Amritsar.

OPINION.

I. (1) The establishment of an Imperial Advisory Council meets with general approval, in which I concur. The only criticism that has come before me as to its composition is based on the misconception that it is proposed that members must necessarily be either ruling Chiefs or territorial magnates, to the exclusion of all other classes. So many of the territorial magnates of the Central Punjab have proved themselves incapable of managing their own affairs that there is, I think, some uneasiness lest men of this type should be selected. It would allay this feeling if it were expressly added that education (in the broadest sense) and capacity, besides dignity and status, should be qualifications. And I think that the door should not be closed to other classes. The difficulty urged by the Hindu Sabha that members by being bound to secrecy will be put in a false position is not, I think serious.

II. (2) It is generally thought, and I agree, a Provincial Advisory Council is desirable. I consider that it might be given a more definite place in the constitution, and that this, and not the Legislative Council, should be the representative chamber of the people. The members of the Legislative Council are so limited by the number of officials that can be spared to attend it that there is no room for any satisfactory representation; and, as the whole *raison d'être* of representation is not the enforcement, but the expression, of public opinion, why not recognise this fact in confining representation to the Advisory Council and leaving the Legislative Council to carry out the actual work of legislation assisted by the advice of the Advisory Council but unhampered by their numbers? I would in particular have this council, and not the Legislative Council, the constituency for electing members of the Imperial Legislative Council.

The Advisory Council should be composed as follows:—Two ruling Chiefs, 8 Muhammadans (of whom at least 5 must be land-owners paying over Rs. 1,000 land revenue), and 6 Hindus (at least 3 to be land-owners paying over Rs. 1,000 revenue), and two Christians. The other two to be appointed as occasion may require. I would have all places filled by nomination. The system of election has proved a signal failure in this country, and no electorate can be devised, however select, which will not be liable to be influenced by importunity coupled with family and caste connections. Instances will readily occur to memory in which sheer importunity and wire-pulling have procured recommendations on behalf of entirely undeserving persons from the most unexpected quarters. The opinion of the Hindu Sabha is most frank on this point. If, however, election is resorted to, I would have it for this council, and not for the Legislative. I would have 4 Muhammadans and 3 Hindus elected in the manner below described for the Legislative Council.

III. (3) The enlargement of the Imperial Legislative Council is generally approved of, and I have no objection to offer provided that the requisite number of official members can be obtained without dislocating the administration of the country. The only part of the scheme which attracts criticism relates to classes D and E of members, and is dealt with in questions (4), (5), and (6) below.

III. (4) The proposal that the non-official members of the Provincial Council should appoint a member of the Imperial Council is approved generally, but it appears to me to be dangerous, as I do not see how any Muhammadan could justify to his countrymen or his conscience his voting for any but a Muhammadan, and with Hindus likewise. The result would often be to give the European member or members the determining vote.

Moreover, it would bring an element of discord into the council by dividing Hindus and Muhammadans and making the numerical preponderance of one or the other a matter of serious importance. The difficulty could be removed by adopting the suggestion of the Hindu Sabha that the member should be by turns a Hindu or Sikh and a Muhammadan, an adherent of some other religion being intercalated every fifth time; and with this modification I approve of the proposal, if my proposal, that the electorate should be the Advisory Council, is not approved of. I should, however, add that my proposal, and that in the next paragraph, the result of which is to put Hindus and Muhammadans on an equality as regards classes D (*b*) and (*c*), is made subject to the provision of some special Muhammadan representation; otherwise it would unfairly ignore Muhammadan preponderance in the Punjab.

The above remarks apply equally to my proposal that the member should be appointed by the Provincial Advisory Council. My reason for this proposal is that it is practically impossible to have more than 10 or 11 unofficial members on the Legislative Council who are too few to make a satisfactory electorate.

III. (5) The selection of one of the great land-owners of the Province is generally approved, and I agree. But I am confident that no constituency of land-owners could be created which would not be subject to undesirable influence of every description as the Hindu Sabha admits. Election of such a member by the land-holding members of the Provincial Council is, I think, feasible only if the member elected is to be alternately Hindu and Muhammadan, and a Hindu when the member under class D (*b*) is a Muhammadan, and *vice versâ*. To prevent the alteration being stopped by the fifth member under class D (*b*) it would have to be arranged that the corresponding fifth member in class D (*c*) should be alternately Hindu and Muhammadan unless he is a Christian. But I strongly favour nomination for this post partly because I do not think the number of land-owners in the Provincial Council will be sufficient. This argument would not apply so strongly to election by the land-owning members of the Advisory Council who would be more numerous.

If direct election is approved, I think that the electorate should consist of all paying land revenue of Rs. 5,000 and upwards. The members should still alternately be a Hindu and Muhammadan.

III. (6) The proposal to set apart a certain number of seats for Muhammadans is beyond question the most controversial of the present proposals; it is bitterly resented by the Hindu and if adopted will be a permanent grievance and will be used to show that Government has abandoned its ancient policy of regarding Hindu and Muhammadan with an equal eye. On the other hand, it is undoubtedly a measure of justice and moreover can hardly be dropped now. My proposals in classes D (*b*) and (*c*) put Hindus and Muhammadans on an equality as far as the Punjab is concerned, and we may assume the same to be the case in Eastern Bengal. We shall then have left in these two classes almost certainly 9 Hindus and a Budhist and no Muhammadans. We may thus assume the total result of the proposals in class D (*b*), (*c*), (*d*), and E to be 11 Hindus, 6 Muhammadans, 1 Budhist, and 2 undetermined. I am in favour of the proposal to have the two Muhammadan members elected under class D (*d*) in spite of the opposition that it will create, but I think that it is unnecessary to specify two Muhammadans under class E, as without their being specified they can be appointed, if so desired, and to specify them is simply to give a handle to opposition.

As regards the Muhammadan electorate, the proposal of Sardar Sher Ahmad Khan is to substitute for class (*c*), in paragraph 18 of the Government of India letter, all Muhammadan members of first class municipalities. I am against this on the principle that local bodies should not be used as an electorate for Imperial or Provincial purposes. I personally would oppose election in any form, but if it is adopted the electorate proposed in the Government of India letter appears as suitable as any, except that I would substitute for (*a*) the Muhammadan members of the Advisory Council.

IV. (7) If the Provincial Council is to be made representative of various classes there must be at least 11 non-officials and consequently 12 officials. This number could be made up by including with the Lieutenant-Governor the Financial Commissioner, Settlement Commissioner, five Commissioners, Chief Secretary, and the two Chief Engineers. I am not in a position to say how far this would interfere with the regular work of these officials, but I think that it must necessarily interfere to some extent while the increase of numbers would not add to the efficiency of the body as a legislative machinery. I would, as above stated, transfer to the Advisory Council the duties of criticism and election to the Imperial Council and leave the present constitution of the Legislative Council unaltered.

IV. (8) Indian opinion appears to favour having some of the non-official seats filled by election. I, however, personally can imagine no possible form of election that would not be subject to improper influences, and I think that for the present the system of nomination should be adhered to. Should, however, election be resorted to I think that 5 out of 11 non-official members should be elected distributed as suggested in the following section.

IV. (9) I would have the unofficial seats distributed as follows: 5 Muhammadans, of whom 2 at least must be big land-owners, 4 Hindus and Sikhs, of whom 2 at least must be big land-owners, 2 Christians, of whom one at least must represent commerce. If election is resorted to, I think that 2 Muhammadans, 2 Hindus, and 1 Christian should be elected and the rest nominated. The Christian to be elected by Chambers of Commerce, the rest as in the following sections.

IV. (10) If election is resorted to at all, it must, I think, be through local bodies. This is greatly to be deplored, as it will injuriously affect the working of these bodies. We wish to attract to them men who will do solid work, and there is great danger that if they are used as an electorate that this type of man will be swamped by those who enter the local bodies for ulterior motives. Still if election is to be used this evil is inevitable, as no electorate can be devised without reference to membership of local bodies.

The evils of the system will be minimized by resorting to indirect election. Let there be an electoral college to which each 1st class municipality will elect one Hindu and one Muhammadan and each district board will elect a number of Hindu and Muhammadan proportionate to the population of these religions in the district, say, one elector for the first 100,000 of the religion in the district and one more for every quarter million in addition. The whole district board would vote, but the electors selected must be the fixed number of each religion laid down.

This electoral college would elect the required number of Hindus and Muhammadans, Hindus voting for Hindus and Muhammadans for Muhammadans.

IV. (11) I have already in paragraph IV (9) advocated separate representation of classes. I do not recommend the plan proposed in section 22 (*b*) of the Government of India letter, because the electorate would be too much scattered. I can imagine no reasonable conclusion arising from the deliberation of an electorate comprising Aroras of Multan, Rajputs of Kangra, and Sikhs of Amritsar. The electoral college proposed in paragraph 10 above would, it is hoped, consist of men sufficiently enlightened to have something in common.

The change in the constitution of local bodies would not in my proposals be necessary for the purpose of electing councils, but is highly desirable for purely local purposes.

V. (13) I am not in a position to offer a decided opinion on the discussion of the Budget in the Imperial Council.

(14) I do not think that the discussion of the Budget in the Provincial Council would be of practical benefit.

(15) The introduction of the power of interpellation into Provincial Council would be popular, and, I think, desirable.

MILES IRVING,
Deputy Commissioner, Amritsar.

Opinion by Rai Bahadur Gopal Das, Bhandari, Pleader, Municipal Commissioner, and Secretary, Hindu Sabha, Amritsar, dated 15th November 1907.

I. (1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alteration in the proposals made in paragraph 5 regarding its constitution and duties?

There cannot be any two opinions on this question, that the appointment of an Advisory Council, on the lines sketched out in paragraph 4 of the Government of India letter, to serve the purposes mentioned in paragraphs 2 and 3 of the same letter, shall be of considerable service to the country, it shall prove to be most useful, and meet in many ways the growing demands, aspirations, and wishes of the people, but much shall depend upon the class of persons to be nominated and honoured with a seat in such council.

It cannot be denied and disputed that the success and the good results shall be commensurate with the intellectual capacity and fitness of the councillors chosen; undoubtedly the social position, dignity, and status in society should be the foremost passports

for the selection, but daily experience also shows that men of wealth, dignity, particularly amongst the landed aristocracy, and big landlords who are illiterate and without education, hardly carry any real influence, and prove to be entirely unfit and incapable to offer and give sound and good advice on ordinary matters demanding least intelligence; far less can they be expected to take part in the discussion of matters of vital importance, affecting the welfare of the whole country. Largely in the matters of the management and administration of their own property, requiring an ordinary capacity, they are in the hands of their underlings of ambitious character and aims, and the whole policy of their domestic and household management and worldly affairs is shaped and influenced by the same servants.

There are exceptions, but speaking generally, the above state of facts apply to the majority. The tenor and the underlying principle of the whole scheme also clearly points out that it is the progress in education that has made the Indians to be fit to be entrusted to the works and posts of administration, and the fact that the land-holding and commercial classes have also imbibed the usefulness of the education that has made the Government to give them a prominent share in the administrative affairs, *vide* paragraphs 2 and 3 of Government of India letter.

Admitting at the same time that posts and seats of honour and responsibility should not be the monopoly of one class and community, and each class should have the right of fully availing itself of the fruits and advantages of the boons and concessions, I beg to propose that in paragraph 5, clause 3, *after* the words "and a suitable member of the" the word "educated and literate" be added.

It can be argued that the addition of these words is redundant and superfluous as the Imperial Government in making selections shall be guided by the truest rules of selection and shall only nominate those whom it shall consider fit and capable to do the work. I may humbly urge that the same reasoning could have applied to the omission of the words dignity and status, and moreover the addition of the words educated shall be useful and sufficient incentive for the coming generation of the territorial magnates to educate themselves properly to get a chance of being selected to work in the most coveted council in India; secondly, the advice and opinion given shall be the direct and own opinion of the councillors and not dictated by another of low position working behind the curtain. The Government can attach importance to the opinion of the magnates, but not to the opinions echoed and rehearsed by the councillors having learnt from others. Moreover, generally, the opinion shall be called forth individually, and in that case in all likelihood,

such written opinions shall be the production of the brains of *Babus* and not the *Raises*.

As regards the ruling Chiefs, one of the tests should also be education and good management of their States, but as the question relating to them has varied sides, and different considerations are to be kept in view, I leave its further discussion. The view expressed by me in the above lines gets sufficient support from the fact that persons selected to speak for the people on urgent matters of importance should no doubt be those whom Government thinks fit, but to some extent should also be such in whom people have confidence of expressing their views rightly and correctly, and who shall be able to diffuse true knowledge of facts; otherwise immediately after the publication of the names of the members there is possibility of misconstruing the noble and generous policy of the Government, and giving a chance of interminable controversy to those who seek such occasions, and opening a door for the display of severe and disagreeable criticism in connection with the qualifications of the members nominated, with a result of imprinting bad impressions on the minds of men of high position and dignity.

While admitting that the opinions given by the councillors should be private, informal, and confidential, it is necessary that some provision be made to give more and due weight to such opinions, and that under certain conditions they may be acted upon.

There are significant reasons for the above views, namely, that according to the letter of Government and the rules of the constitution of that body persons nominated shall be presumed to be fit for the work and capable of rightly grasping and handling the questions referred to them, and in case of no heed being paid to their advice it shall generate sense of distrust and indifference, as is natural with every man, and far more with men of education of exceptional dignity and status who are more sensitive and emotional and nourished from childhood on the imagination of being infallible, and never put to the test of being overruled and contradicted, nay, there is danger of some magnitude of whispering privately of an imaginary indignity and insult.

It is better that such ruling Chiefs under those conditions be not consulted, rather than creating a groundless and unfair charge. What those limitations should be depends on the nature of the questions asked, but I humbly suggest that in case four-fifths of the members be unanimous on one point their advice should be acted upon by the Government. By reading clause 3 of paragraph 5 and comparing it with paragraph 6 of the same letter it is evident that the members of the Imperial Advisory Council can only be the ruling Chiefs and territorial magnates where land-holders of sufficient dignity and status are to be found. In paragraph 6 industry, commerce, capital and the

professional classes are included in the Provincial Advisory Council; thus all other classes are beyond the scope of this clause, notwithstanding, besides territorial magnates, there can be found in India men belonging to another class who may fulfil the requirements of paragraph 2, be sufficiently acquainted with the daily life of masses, and in every respect qualified to speak with authority on their behalf, and who may weigh heavier on every point, in education, influence, dignity, and status than the territorial magnates. Thus I suggest that some words should be added to clause 3, paragraph 5, which may have the effect of bringing in men of other class than big land-holders to which this clause prominently refers.

Clause 7 of this paragraph reserves to Government the right of making use of the proceedings of the Advisory Council, but it is nowhere laid down that councillor or councillors shall have in any case the right of giving publicity to his or their opinions. It is true that giving an unlimited liberty to councillor or concillors shall defeat the very object of the constitution of the council, and that it is highly objectionable that State matters of urgency and importance, on which the policy of the Government is to be altered and shaped, be made a subject of public discussion by disclosing the opinions of the councillor or councillors; but at the same time as councillors owe some obligation, responsibility to the masses on whose behalf he or they are expected to speak with authority, and for whose welfare he or they are summoned by the Government as stated in paragaph 4 of the letter. Naturally masses or other persons whose interests the councillor or councillors are to represent, consistent with the interests of the Government, shall expect and demand such representative of theirs on certain occasions an explanation for what he or they had told to Government concerning them, and if the councillor or councillors is, or are, prohibited by this rule of the constitution of the council and the terms of their holding office, the position of him or them shall be most unenviable and awkward; on one side the law sealing the lip, and on the other unceasing worrying demand by the public for explanation and an attempt to break the silence. It is quite possible some feeling the difficulty of the position may retire and adopt a safer course of not taking part in the State and public affairs, and in some cases by their doing so causing an irreparable loss both to Government and to people. Thus it is necessary that some provision be made that under certain circumstances and conditions the councillor and councillors, *with the permission of the Government*, may have the right of declaring to the public the opinion he or they had given on certain matters; in the absence of such provision there shall be a general cry that the representatives do not properly represent the state

of the masses. What those conditions and circumstances should be are matters in which Government only should have the sole right of discretion. Lastly, in support of the suggestions that education should also be one of the tests of selection, I humbly beg to say that history of every country including India bears testimony to the fact that advisers round the throne, even in the courts of autocrats, used always to be men of learning and education, even in countries which are backward in civilization. Men influential without education may be utilised, and were utilised, for purposes other than administration and advice. I do not mean that uneducated have no sense or power to give advice, there may be exceptions; but speaking generally the case is as above indicated. As regards the duties, I approve the proposal of the Government. To sum up, loyalty to the Crown, education, exceptional dignity and status should be the qualifications; landed aristocracy to have preference over others.

II. (2) *Provincial Advisory Council.*—Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposal made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?

The members suggested by the Punjab Government of the Provincial Advisory Council is fairly large; taking into consideration the standard of education and other qualifications necessary to be kept in view in selecting the councillors, there is no denying the fact that this Province cannot vie, with an eye of equality, with other provinces, excepting Eastern Bengal and Assam. It is not as yet as advanced as others; the percentage of literates in English is too low. My remarks relating to the qualifications, etc., of the Imperial Advisory Council shall equally apply to the Provincial Advisory Councillors; education should be prominent qualification in a member along with dignity, influence, and status in society. I can safely say that magnates in Punjab, with very few exceptions amongst land-holders, have a nominal influence with the masses. Their habits and isolations from the public and aversion in interesting themselves with public questions and the welfare and needs of masses have lessened and weakened their influence which otherwise they would have possessed with better rights and claims and due to the ancient name and reputation of the family. Moreover, excepting few districts there are petty land-holders throughout the Province, and scions of old families, though possessing good name and known to be descendants of once powerful jagirdars, hardly now own an area of land decent enough to maintain the position, and in majority of cases the survivors of old big families have reached the level of ordinary middle class zamindars, and I am afraid that in some principal districts the territorial magnates and big land-holders can count themselves unlucky in not being selected on account of their even not being able to manage their own affairs without the aid of Court of Wards.

Thus looking to the special features of this Province and the pecuniary state of big

zamindars and other qualifications, I would even go for a lesser number provided education be one of the tests.

The Advisory Council, though less in size, but otherwise best fitted and having an intimate knowledge of the wishes, aspirations, and want of the people, possessing an intelligent capacity, to realise the responsibility of their position and honour, with a mind to serve the Government loyally, and discharging their duties both to the satisfaction of the Government and the people, would in every respect be both useful and serviceable to the Province and shall promote the good feelings between the rulers and the ruled.

I do not mean in the least that classes other than land-holders should have predominance, but what I respectfully beg to suggest is that fundamental principle or the basis of selection should be intelligence, capacity of understanding the questions, and the mature experience and sound judgment, in giving the advice asked for, and not being dependent themselves on the advice of others.

The member representing different classes should not be disproportionate to an extent, by which one class may not be considered as negligible quantity. My other remarks relating to the right of the councillors publishing their opinions under certain *conditions with the permission of the Government* should be held as also applicable to the Provincial Advisory Council so far as they can be made applicable.

As regards duties of the councillors I entirely agree to those explained in the letter.

III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

The enlargement of the Imperial Legislative Council being a concession of vital importance, and the conclusive proof of the good intention of the Government is hardly to be disapproved by anybody. It is a right step for which all the Indian should be grateful to the English Government and should accept the concession with a sense and spirit of gratitude, and the modifications apart from those which fall under other questions and to which special answers are to be given. I respectfully beg to propose as follows:—

1. Under head D, clause (*b*), paragraph 12, of the Government of India letter, there should be an election amongst the non-official members of the Provincial Legislative Council of the Punjab to select alternately, every time when necessary, a Hindu or a Muhammadan member, the word Hindu including Sikh, and a member of other classes besides Hindu and Muhammadan every fifth time. To be more explicit, what I mean is that all the non-official members of every class should select from amongst themselves once a Hindu including Sikh and then a Muhammadan and fifth time besides Hindu and Muhammadan.

Under clause (*b*), head D, of the same paragraph, election should be in the above-said manner by the noble and great land-owners of the Province, out of mixed electorate of Hindu, Sikh, Muhammadan, and Christian land-holders, with this qualification that an elected member either under clause (*b*) or (*c*) under head D should be an educated man, as it is only the spread of education and enlightened spirit, which have been from time to time the cause of, and ground for, the superior and liberal rights being conferred on Indians, and this very principle is most emphatically put down in paragraph 8 of the Government of India letter.

The appointment of a man, more of position and wealth, is an anomaly of dubious nature, an honour to the undeserving, and incapable of grasping the questions coming for solution, is an unjust and unwarranted encroachment upon the claims and rights of the best fitted for the task. There should not be, no doubt, a monopoly of an aggressive class, but the work of legislation should in no case be thrown, or put into the hands, of those who hardly can take an intelligent and lively interest in the work. From ages the place of jurists and legislators has been considered sacred, and reserved only to be filled up, and held, by the learned, irrespective of class and creed, and with greater force of reasoning it should be so and enforced with scrupulous and unflinching stringency under the benign and most *enlightened British Government.*

(4) In particular do you approve the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter?

I have answered this question under the preceding clause 3 that one member should be elected by the Provincial Council and from Punjab Council with modifications suggested above.

(5) Do you approve of the selection of one of the great land-owners of this Province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter or by what other method should be selected. If by direct election what should be the electorate?

I have already answered under question 3 that one non-official member be selected by the nobles and great land-owners of each Province, but in Punjab such election should be made, out of a mixed electorate of the Hindus, Muhammadans, and Christians, to elect alternately, a Hindu and Muhammadan member, the term Hindu including Sikh, and fifth time a Christian, the successful candidate should be an educated one; but the electorate in size in Punjab should be of 53 and the amount of Government revenue giving the right in the Province be reduced to Rs. 5,000 instead of Rs. 10,000 as required in paragraph 14 of Government of India letter. With a mixed electorate and alternate returns of the members of different religions, there shall be less chance of the abuse of the right, though frankly admitting such an election shall be the cause of great excitement and expense.

I entirely disapprove the second method mentoined in paragraph 15, the election of land-holding members in weight, shall be simply a play, and source of great ill-feeling, amongst those, who should work and are

expected to work in harmony with each other, and an election of an outside member shall be practically a useless attempt, and cause of discontent and factions. If the scheme mentioned above may not prove feasible, I would suggest nomination with this condition that selection be in an alternate form and method, of Hindu (including Sikhs), Muhammadans and Christians.

(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council, two by election and at least two by nomination as suggested under head (D) and (E) of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Council, or by some such electorate as that described in paragraph 18 of the letter?

While accepting the principle that one class should not have an unnecessary predominance over another, and that Muhammadans should have their legitimate share in the administrative matters, I humbly beg to say that the proposed appointment of 4 Muhammadans to the Imperial Council—two by election and two by nomination—as suggested under heads (D) and (E) of paragraph 12, is not only unjust and unfair, but also illogical. It is not only an individual opinion that may carry less weight with Government but the whole Hindu community is sorely grieved and disappointed to know such a proposal emanating from just and impartial Government whose sole aim has always been, and declared so often, of equal and just treatment, irrespective of caste, colour, and creed. Efficiency and the capacity to do the work has always been the guiding principle of the policy of the Government in giving posts, with stronger force of reasoning the passports for the higher offices of honour, position, and responsibility should be the same. If one nation or community is numerically strong and in general concerns and landed property are immeasurably high, it is fair to say that its interests are more linked with Government and infinitely more at stake than of the other community. The Hindu in the same way is liable to be more affected by legislation than the other, and this is no exaggeration to say all round that its interests are at least five times greater than the Muhammadans, and Hindus under above circumstances shall in no way be considered as exorbitant in their demands, if they ask the just Government to give them larger share in the administrative matters. By the proposal suggested in paragraph 12, or in other words by giving to the Muhammadans four exclusive seats in the Imperial Council, their number shall be almost all equal to the Hindus, which privilege, under even strained line of reasoning, they cannot ask for. An advantage to be given at the expense of the interest of Hindus is decidedly a wrong step not to be liked by any but the interested one. Working out the scheme properly it comes to this—8 Hindus and 8 Muhammadans as follows:—

If out of 54, the maximum strength of the council, 30 under heads B, C, including His Excellency the Viceroy, be deducted, there shall remain 24, 6 more under head D, clause (*a*), and 4 under head E and 4 under heads E and F, altogether 6 under these heads be deducted, there shall remain 18 to come under clauses (*b*) and (*c*) of head (D), and

in all likelihood 4 Hindus shall be returned by Madras, Bombay, Bengal, and United Provinces and two Muhammadans by Punjab and Eastern Bengal and Assam under clause (*b*), and in similar way 4 Hindus from Madras, Bombay, Bengal, and United Provinces,* and two Muhammadans from Punjab and Eastern Bengal and Assam shall be returned under clause (*c*), head D, the number of the Hindu members by the right process coming to 8, and of Muhammadans 4, which if 4 more exclusive seats be given to them, their number shall also swell up to 8, an equal number with Hindus, which cannot be approved by any Hindu, and is an unfair preference given to one over another for no good reason. If necessarily out of right proportion, more seats are to be given to the Muhammadans, in consideration of the matter mentioned in paragraph 6 of the Government of India letter at the utmost 2 be given instead of 4, the tradition and historical fact cannot so far outweigh as to injuriously affect the other community in its lawful interests.

* Central Provinces forgotten.

This is bad special pleading. The Sabha's own proposal is that the Punjab should return Hindus and Muhammadans alternately under (*b*) and (*c*). Eastern Bengal may be presumed to do the same, so these two provinces are neutral. Of the rest we shall get 9 Hindus and a Buddhist (from Burma) to no Muhammadans.

If the above view be not accepted I offer no detailed opinion as to the method of election and the constitution of the electorate.

(7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?

Taking into consideration the fact that the number of the members of the Imperial Council is to be enlarged, it is absolutely necessary that the number of the members of the Punjab Council be also enlarged and, moreover, the general spread of education lately in this Province and the people taking an interest in the legislation and other administrative matters, though not yet to the fullest extent, demands that large number of men of the Province should take part in the legislation. The number which I beg to propose is 20.

(8) Would you maintain the present system of nomination or would you have any one of the unofficial seats filled by election?

The proportion of the members should be as follows:—

11 official members and 9 non-officials.

I have included His Honour the Lieutenant-Governor in the official. Out of 9 non-official members, I propose that 6 should be through election and three (3) through nomination. I am not in favour of the scheme that all the non-official members should be returned through election. The Province is not yet far advanced and mature to appreciate fully the good of the system of the election, and besides the election system should be as yet a new one in this Province and untried.

Till the electorate be complete and the electors of sufficient capacity and learning, to understand fully and rightly the importance and the advantages of the franchise, it shall be in no wise a right step, all at once, to introduce to its full extent the election system.

It should also be borne in mind that the office is not only a much coveted seat in the Provincial Council, but also carries with it the most glowing and brilliant future

prospects of once becoming a member of the Imperial Council entrusted with work of responsibilities.

It should also be kept in mind that the electors in this Province shall be of an ordinary means and possessing an imperfect and poor knowledge of the whole system.

(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to such class (paragraph 22 (*a*) of the Government of India letter), and if so, what classes should be represented and in what proportion?

Bearing in mind that the number of Muhammadans in this Province is much larger than the Hindus and the Government of India proposes to give 4 exclusive seats in the Imperial Council to the Muhammadans to protect the interests of the minority, and in a way to equalize the proportion of that class with Hindus, as I have shown above, I humbly beg to suggest that on that principle the number of seats to be allotted to Hindus should in no way be less than the number of seats to be allotted to Muhammadans, leaving aside the question of attainments, capacity, wealth, and influence.

At the same time the claims of the Sikhs as a distinct class should be recognised in the constitution of the council.

The Sikhs though numerically are less strong than Hindus and Muhammadans, have superior claims on many grounds of political importance and historical traditions and memories to secure separate allotment of seats. Thus what I propose is that out of 9 non-official members there should be 3 Muhammadans, 3 Hindus, 2 Sikhs, and 1 Christian or of any other class; but if necessarily on account of the majority of Muhammadans more seats are to be given to them, I modify the above by suggesting that there should be 4 seats for Muhammadans, 3 for Hindus, 1 for Sikhs, and 1 for Christians or a member of any other class. It would make no difference whether the proportion be maintained or arrived at, through election or nomination. The classes for the present who should be represented should be Muhammadans, Hindus, Sikhs, and Christians.

(10) If the election is resorted to for the appointment of all or any of the unofficial members would you advocate election, through municipal or district boards. If so, on what system would you suggest?

The election of the non-official members should be through municipal and district boards. The municipal and district boards of each division should have the right of sending in their own men, but the election of the members should be by that class to which he belongs. The district boards to have a separate right to send in their man and the municipality their own. In other words the electorate should be under two heads—district boards and municipalities. As right for the election of a member of a Provincial Legislative Council is to be conferred on district boards and municipalities, it is absolutely necessary to safeguard the selection of fit persons to sit in that council, to raise the qualifications of the members of the district boards and municipalities as well as of the electors. The present system is defective in many ways, and before a right be given to the mem-

bers of the district boards and the municipalities to select one of themselves to the Provincial Council, it is essential to overhaul the whole system of the election of such bodies. The present rules are too liberal, and in no way stringent both as regards the qualification of the voters and the members, and the procedure in preparing the registers and carrying out the election. There is not a necessary good check and careful supervision to discourage the disqualified persons to get an advantage of the right of franchise.

The lack of interest on the part of those appointed to supervise the preparation of the registers, and the strict scrutiny as to the means of the persons coming to get themselves registered as voters, has made bold, and given courage to many, to form a combination, with a motto not to object one another's actions, with deplorable result that good and fit persons don't stand for election, and thus causes gains and advantages of securing majority in seats and commanding a false and unreal influence. There are other evils attached, and bad results incident to the present system, and in all probability, nay, certainly, there shall be immense and untold exertion; fair and foul, to get majority in the seats of the boards and municipalties, and thus shall open door for a class of persons too ambitious, though otherwise unfit, to get a seat in Provincial Legislative Council. If the right of electing a member remains in the hands of the men of most ordinary means, incapable of understanding and estimating the worth and nature of the franchise, it is almost certain that the expense of the election shall rise to an enormous and fabulous amount, which in the end in many cases shall prove to be a source of misery and great pecuniary trouble. The qualification for a member of the municipal committee that I propose should be either to possess immoveable property worth Rs. 30,000 or having an income of at least Rs. 500 a month, or in the case of a graduate an income of at least Rs. 300 a month. It is never to be expected that the member of the Provincial Legislative Council should not have decent means to live upon, and may not be a respectable man of good means in the eyes of the public. As regards the qualifications of a voter he should be either a tax-payer or possessing immoveable property of the value of Rs. 5,000 or occupying a house of the rental of Rs. 20 a month or in the case of a graduate having an income of Rs. 50 a month. In the case of a member there should be further condition that he should be an educated man and literate. The qualifications of the voters and voted above mentioned only relate to the municipalities of the 1st class in big towns. Proportionately according to the importance of the town and the class of municipality the qualifications of the members and the voters should be raised.

The second class and third class municipalities in division (Commissioner's division) first to form one electorate to select a member. The member so selected shall sit as a candidate along with the members to be chosen by the first class municipalities, and the member selected by the first class municipalities to have a seat in the Provincial Council.

As regards the district board the qualification of the voters and the members should also be raised. The minor zamindars and cultivators first to elect a man qualified to become a member of the district board and the land-owners, and the cultivators holding a decent area of the land to select a member of the district board, and ultimately the district board in a division to elect a member for the council; what those qualifications should be I leave the matter to the opinion of those familiar with the election and system of the district boards.

In the end I beg to say that if nomination system be retained and the members of the Provincial Council be only taken through nomination, still one of the qualifications of the members of the Provincial Council should be that he be an educated man as above suggested, and, moreover, the nomination should be so carried into effect or be worked on such a basis that a representative be taken from each division so that members sitting in the Provincial Council may represent the interests of the different big divisions of the Province, which in many respects are dissimilar to each other in customs, manners, and beliefs.

(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*) and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?

The Punjab is not yet ripe for class representation besides the communities measured by the standard of religion, and thus I offer no opinion to the question. The classes under different religions and in contrast to each other are so heterogeneous and dissimilar to each other that class representation shall not prove a feasible scheme.

(12) If you think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter or what other form would you propose?

As I have respectfully answered that Muhammadans should not have exclusive seats given to them besides open to them by nomination or election, I offer no opinion as to the details under this head.

V. (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

The alteration suggested in paragraph 23 of the Government of India letter shall prove to be more useful and more conducive to the free and best discussion of the subjects with an advantage of being fully explained by the heads of separate departments; no further modification is suggested.

(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separ-

The discussion of the Budget should be before the whole council and not under separate heads by the heads of different departments. The introduction of the

ate heads in the manner suggested in paragraph 23 of the Government of India letter?

system, namely, the discussion of the Budget shall be as yet new to the Province, and I am in favour of its discussion on the lines suggested by the Government, Punjab, in clause 9 of this letter.

Discussion of the Budget shall be useful in the extreme; it shall enlighten the people of this Province as to the details of income and expenditure from different sources; it shall allow an opportunity to the people to suggest to Government various amendments which may be acceptable to Government, and by adopting which it may be able to give relief to the public in different ways; it shall also give Government an idea under which head people complain of being hardly pressed or affected. The suggestion made relating to Budget at the discussion or publication even if not acted upon at once shall prove a good basis for consideration at the time of the preparation of the next Budget and is to remove many misunderstandings and create good relations between the rulers and the ruled.

(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?

The power of interpellation by members occasionally shall be, in my opinion, a cause of establishing good relation and inspiring confidence between the Government and the people; it shall obviate the necessity on the part of many to invent stories, and generally of creating theories and facts, as the products and results of their imagination, which may have the tendency of prejudicing people against Government on unreasonable and false grounds. It is better that facts be explained which may remove generally the misapprehension and correct the misconstruction of the policy of the Government or the acts of its subordinates; but at the same time the power should be allowed to be exercised with sound discretion under certain conditions. There should not be an abuse of power, but should be with a real and genuine desire to serve the Government and the people. What those limitations should be ought to rest entirely with Government, but in no case a question be allowed to be put unless one-third of the non-official members give their assent in writing to the question being put.

In the end the Government deserves the thanks of each community, and the people in general, irrespective of caste and creed, for the introduction of the reform scheme, the sense of justice, and its good intentions, to associate Indians more in the administrative matters and affairs, and bringing closer to each other relations between the Government and the subject races, and I for one gratefully acknowledge the immense good that the right and proper working of this scheme shall do to the Indians with a hope of its further development and expansion what the time would prove to be necessary and disclose to be expedient.

GOPAL DAS, Bhandari,
Pleader, Municipal Commissioner, and Secretary, Hindu Sabha, Amritsar.

Questions and answers in conection with Government of India letter no. 2310—2317, dated 24th August 1907.

Questions.	*Answers.*
I. (1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?	(1) The appointment of an Imperial Advisory Council as detailed in paragraph 4 of the Government of India letter would, in the opinion of the Anjuman, be undoubtedly a most useful institution, and indicate a marked step in the constitutional progress of this country. The Anjuman would, however, in this connection, beg to suggest that in all matters of importance the Advisory Council should, with a view to avoid invidious distinction, be collectively summoned to offer their advice on matters affecting the welfare of the people, and in order to facilitate this object the number might be safely reduced to 50, including 20 ruling Chiefs. The Anjuman agrees with the view of the Government of India expressed in their letter that although the members of the Advisory Council will receive no Legislative recognition for some time to come, yet, in the opinion of the Anjuman, it is desirable that in all important matters affecting the interests of the public or various classes on which legislation is sought, a previous consultation with the members of the Advisory Council should be considered necessary.
II. (2) *Provincial Advisory Councils.*—Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposal made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?	(2) In the opinion of the Anjuman a Provincial Advisory Council, as stated in the Government of India letter, would most certainly be a most useful body. Its functions would be similar to those of the Imperial Advisory Council.
III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?	(3) The enlargement of the Imperial Legislative Council to protect the interests of the various classes and communities of this country is essential, and the Anjuman agrees to the future constitution of the Council as outlined in paragraph 12 of the Government of India letter, and considering the number and political and historical importance of the Muhammadan community the Anjuman ventures to submit that the Government of India would consider it a reasonable request on their part to allot to Muhammadans at least 3 seats out of 4 under clause E of paragraph 12.
(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?	(4) The answer to the question no. 3 disposes of this question also.
(5) Do you approve of the selection of one of the great land-owners of this province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?	(5) In the opinion of the Anjuman direct election of a land-holder for the Imperial Legislative Council from each province is more desirable, and in the Punjab the electorate should be of those land-holders who pay a land revenue not less than Rs. 2,000 a year.
(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by election and 2 at least by nomination as suggested under heads D	(6) The Anjuman approves with gratitude of the principle of separate representation of the Muhammadans in the Imperial and Provincial Councils in the interests of both the

Questions.	*Answers.*
(*d*) and E of paragraph 12 of the letter? Would you recommend that the elected members should be elected by the Muhammadan members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter?	Government and the Muslim community and this has even been acknowledged by His Excellency the Governor-General in Council in his reply to the Muhammadan address as well as in the Government of India letter on this subject. But in the humble opinion of the Anjuman the number proposed in the Government of India letter is inadequate, and they have therefore suggested the nomination of three Muhammadans instead of two as proposed in clause E of the Government of India letter, paragraph 12 (*vide* their reply to question no. 3). The Anjuman further begs to express their approval of the system of election laid down in the Government of India letter, paragraph 18, but are of opinion that the following should constitute the elecorate of the Muhammadan members proposed in D (*d*) of paragraph 12:— (*a*) The Muhammadan non-official members of the Provincial Councils as ultimately expanded. (*b*) The Muhammadan Fellows of the Indian University. (*c*) The Muhammadan members of all 1st class municipalities.
IV. (7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?	(7) The Anjuman would humbly advocate an increase in the present number of the members of the Punjab Legislative Council and propose the number to be increased to 40 or 41, including His Honor the Lieutenant-Governor, and, bearing in mind the principle of maintaining the official majority, the Anjuman suggest that the number of the non-official members should be not less than 18.
(8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election?	(8) The Anjuman respectfully suggest that in order to keep up the balance of interests of different classes and communities one-third of the non-official seats should be filled by nomination and the rest by election.
(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter) and, if so, what classes do you consider should be represented, and in what proportions?	(9) The Anjuman advocates a fixed rule determining the proportion of seats to be allotted to each class, and the classes to be so represented should be Muhammadans, Hindus (including Sikhs whose interests are identical with those of Hindus and who are generally classed with them even for the purposes of municipal elections), and Christians. Considering the population, political importance, and the landed interests of the Muhammadans in this Province their number in the Provincial Council should be not less than ten, six of whom should be elected and four nominated.
(10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district boards? If so, on what system would the election be made? If not, what electorate would you suggest?	(10) The Anjuman begs to emphasize upon the necessity of allowing each class to elect its own representative, and they submit that the Muhammadan electorate should consist of— (*a*) The Muhammadan Fellows of the Punjab University. (*b*) The Graduates of five years' standing of any of the recognised universities;

Questions.	*Answers.*
	(*c*) The Muhammadan members of 1st class municipalities and district boards.
	(*d*) The Muhammadan land-holders paying land revenue not less than Rs. 500 a year.
	(*e*) Muhammadan traders paying income-tax not less than Rs. 50 a year.
	(*f*) Professional men paying income-tax not less than Rs. 50 a year.
	(*g*) Retired Government servants drawing a monthly pension of not less than Rs. 100.
	The electorate might appear to some extent unwieldy, but in this respect the Anjuman has kept in view the broad principles of the Government of India, and they desire that the proposed scheme should affect the masses.
(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*), and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*) or in any other manner?	(11) In almost all the municipalities of the Punjab the system of the allotment of seats to Hindu and Muhammadan members is already in vogue which has worked satisfactorily. The Anjuman considers the advisability of extending that system not only to all the municipalities but the district boards as well, as far as possible.
(12) If you think division should be made for the separate representation of Muhammadans in addition to that open them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose?	(12) The answer to question 9 holds good here as well.
V. (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?	(13) The Anjuman considers it desirable that the discussion of the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.
(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?	(14) The Anjuman do consider it advisable that the Punjab Budget should be discussed in the Punjab Legislative Council by separate heads in the manner laid down in the Government of India letter, paragraph 23.
(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?	(15) The Anjuman respectfully but strongly advocates the introduction into the Punjab Legislative Council the power of interpellation by members.

M. G. SADIQ,

Hony. Secy., Anjuman-i-Islamia,

Amritsar.

No. 6357, dated 7th November 1907.

From—SARDAR SURJAN SINGH, Secretary, Khalsa Dewan, Amritsar,

To—The Deputy Commissioner, Amritsar.

With reference to your letter no. 2862, dated 24th October 1907, received in this office on 25th October 1907, I have the honour to state that, in order that the Dewan may speak on behalf of the Sikhs, it must send the copies, and in some cases the translations of this letter, to its constituent Singh Sabhas and other representative men of the community, which I am sorry to say could not be done in the short time at its disposal. The Dewan even has not been able to formulate a hurried sort of opinion and hence am sorry cannot offer any suggestion.

SURJAN SINGH,

Secretary, Khalsa Dewan, Amritsar.

Replies to questions on which opinions are desired in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. I consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country. There appears to be no necessity of alterations in the proposals made in paragraph 5 regarding its constitution and duties, which are perfectly adequate.

II. In my opinion a Provincial Advisory Council would be a useful institution, and there is no need of any modification in the proposals made in paragraph 6 of the Government of India letter regarding its constitution and duties.

III. I approve of an enlargement of the Imperial Legislative Council, and there is no need of any modification in the scheme sketched out in paragraph 12 of the Government of India letter.

(4) In particular, I approve of the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-holders of this province to the Imperial Council. It will be best of all if the zamindar members of the Provincial Council elect one out of themselves for the Imperial Council.

(6) I approve of the proposed appointment of 4 Muhammadans to the Imperial Council: 2 by election and 2 by nomination.

IV. (7) I advocate an increase in the present number of members of the Provincial Legislative Council in the Punjab.

(8) The present system of nomination is good.

(9) The representation of all classes, *viz*., Hindus, Muhammadans, Sikhs, and Christians, should be according to the number of population of each class.

(10) According to the proposals made in paragraph 22 of the Government of India letter, the appointment of unofficial members should be by election, through the voters of their own class, etc.

(11) The representation of all classes should be according to paragraph 22 (*a*) and should be carried out in the manner proposed in paragraph 22 (*b*).

The modification in the municipal and district boards should be made according to the proposals laid down in paragraph 22 (*c*).

(12) In my opinion the separate representation of Muhammadans should be in accordance with the proposals made in paragraph 17 of the Government of India letter.

V. (13) I consider that the system of discussing the Budget in the Imperial Legisaltive Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) I consider that the Provincial Budget should be discussed in the Punjab Legislative Council by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

JEWAN SINGH,

Honorary Magistrate.

Dated Amritsar, 24th November 1907.

From—SARDAR SUNDAR SINGH, Majithia,

To—The Deputy Commissioner, Amritsar.

I. *Imperial Advisory Council.*—Such a council, if properly constituted, would be of great good to the country, as it would serve to make the motives of the Government better known to the people and would serve as a sort of connecting link between the Government and those who have been entrusted to its charge. No doubt, as hinted in the Government of India's despatch, it must have been the custom of the Government as it ought to be the custom of all good governments to consult the representatives of the people and others who have great stakes in the country in all important matters, even up to the present, but whatever in this respect was being done was informal and known little to the people, and consequently there was a great chance of the motives of the Government being misunderstood. Now when a formal status will be given to this council people will know to whom among their own countrymen to look up to as their representatives in touch with the Government, and thus the opinions of this council would carry great weight, and the people being consulted would feel more satisfied and the Government would be enabled more effectively to gauge public opinion.

The importance of this council being so great, I would respectfully suggest that the care which is taken in recruiting it should be commensurate with its importance. Only those should be taken as councillors who are really able to understand and to advise upon matters which are likely to be referred to it. Simple position, irrespective of ability, would be of little avail, and instead of making the Government popular with the people may create greater misunderstanding. Hence the council would prove a real boon to the country if in filling its ranks only such men are selected in whom position and influence go hand in hand with ability.

Of course it would be with the Government which questions to refer to them and which not, and whether collectively or individually; but whenever a question is referred to them it should be referred to all, as in the first place the Government would be benefited most by receiving the opinions of all its advisers, and consequently there would be less chance of mistakes creeping in, and in the second place the advisers themselves would remain better satisfied and there would be no chance of creating heart-burnt jealousy. In the case of questions relating exclusively to particular communities, there would be no harm if they are referred to all. Even to those to whom the matter does not particularly relate may be in a position to say something and add to the information on this subject. Of course it would be for the Government to attach a special weight to the opinions of the councillors belonging to the community to which the particular matter under reference pertains. Under the circumstances I do not think there would ever be any necessity to form sub-committees of this council. The real object of the council being to gauge the opinions of the people, it would be best done by consulting each and all of the councillors. With this end in view I beg to suggest the following alteration in the proposals made in paragraph 5 regarding its constitution and duties:—

Paragraph 5 (1)—Agreed to.

(2) All the members should be nominated by the Viceroy, but a portion of it, say one-third or one-fourth, should be such as are recommended in some way or other before their nomination. To make recommendations I would suggest that the Provincial Advisory Councils be the electorates for such members and they may return Imperial Advisory Councillors from among themselves or from outside.

(3) 20 ruling Chiefs.
20 territorial magnates.

20 members of educated community, wielding influence in society.

(4) Agreed.

(5) Agreed.

(6) Agreed.

(7) Agreed.

(2) *Provincial Advisory Councils.*—The formation of Provincial Advisory Councils would be beneficial. The suggestions that I have made with regard to importance to the constitution of Imperial Advisory Council may apply *mutatis mutandis* to this council. Of course the number of the councillors would be smaller, otherwise I agree with proposals contained in paragraph 4 of Government of Punjab letter.

(3) *Imperial Legislative Council.* The enlargement of Imperial Legislative Council would, I think, be conducive of good results. I beg to suggest the following modifications in the scheme sketched out in paragraph 12 of Government of India's letter:—

1. The maximum strength of the council to be 59, or, including the Viceroy, 60.
2. This to be made up as follows:—

A.—Ex-officio, Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of Executive Council		8
B.—Additional officials to be nominated, not exceeding		20
C.—A ruling Chief to be nominated by the Viceroy		1
D.—Elected members—		
(*a*) by the Chambers of Commerce of Calcutta and Bombay .		2
(*b*) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma . . .		7
(*c*) by the nobles and great land-owners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Central Provinces		7
(*d*) (*i*) by Muhammadans	2	
(*ii*) by Sikhs	1	
	—	3
(*e*) by Universities—		
of Calcutta, Bombay, Madras, Allahabad, and Punjab, 1 each		5
E.—Experts to be nominated by the Viceroy, when necessary, for special interests, not less than one to be a Sikh and one a Muhammadan		3
F.—Experts to be nominated by the Viceroy, when necessary, for special purposes		2
Total .		59 (?)
or including His Excellency the Viceroy		60

(4) Yes; I heartily approve of it.

(5) Yes, but the councillors should not be nominated, but be elected as otherwise, besides other reasons, it would be contrary to the proposed original formation of the council as the seat falls under the head of elected members. The electorate for the purpose should consist of land-owners paying annual revenue of Rs. 1,000 or more.

(6) I do not grudge this special favour to the Muhammadans, but most respectfully beg to submit that when once the principle of giving special representation to important minorities has been admitted, Sikhs who are no less an important minority than the Muhammadans should be treated equally with them. That the Sikhs are as loyal as any other community and form the backbone of the Indian army is abundantly proved by the services they rendered in the mutiny and the subsequent expeditions in Chitral, Tirah, Malakand, Tibet, China, and Africa. The heroic valour and the spirit of self-sacrifice they manifested in the defence of *Saragarhi* has exacted admiration all the world over, and the memorials erected at Amritsar and Ferozepur are a living witness to it.

The object of the special representation of minorities being admittedly to help the backward communities in maintaining their prestige in the land, the Sikhs deserve this concession more than anybody else. They were the last rulers of one of the most important provinces of India, from whose hands passed the reigns of government into the hands of the English. They commanded influence which is still fresh, and in many parts of the Province people look up to the descendants of old veteran aristocrats as their legitimate leaders. Hence it is certain that if they are honoured by the Government they would be of great service both to the people and the Government. Besides, being backward in education, there is no chance of their (Sikhs) coming to the forefront unless specially favoured by the Government, as they are being pushed aside by both Hindus and Muhammadans in the struggle that is going on in the land.

Hence I would most respectfully submit that the number of special representatives of Sikhs and Muhammadans in the Imperial Legislative Council be 2 and 3, respectively. And a Sikh electorate be formed as in clause 18 of Government of India's letter, but in case of clause 18 (*c*) the amount be reduced to Rs. 10,000.

IV. (7) *The Provincial Legislative Councils.*—Yes; the number may be increased to 25 including the Lieutenant-Governor, 13 officials, besides the Lieutenant-Governor, and 11 non-officials. Of the 11 non-officials, 6 should be appointed by nomination and 5 by election.

Three seats out of 11 to be reserved for Sikhs, 2 by nomination and 1 by election. Muhammadans and Christians may also be given special representation, *i.e.*, 4 Muhammadans, 3 Hindus, 3 Sikhs, and 1 Christian.

I would suggest the following electorate for Sikhs and *mutatis mutandis* for others:—

1. Sikh graduate of 3 years' standing.
2. Sikh land-holders paying a revenue of Rs. 500 a year or more.
3. Sikhs paying income-tax on an annual income of Rs. 2,500 or more.
4. Sikh members of the municipal committee or district board.
5. Members of Chief Khalsa Dewan, the representative body of the Sikh societies.

8, 9, 10, 11, 12 dealt with in my answers to question no. 7.

V. (13) Yes; I agree to it.

(14) Yes; I agree to it.

(15) Yes; I agree to the right being extended to the Punjab Council.

SUNDAR SINGH, MAJITHIA.

Dated Amritsar, 7th November 1907.

From—S. GURBUKSH SINGH, Gyani, Bar-at-Law, Amritsar,

To—The Deputy Commissioner, Amritsar.

I have the honour to submit the following replies to the question which are contained in the letter no. 2643-S., from the Chief Secretary to Government, Punjab, to the Commissioner, and which you kindly have sent me and desired me to give my opinions.

Before answering the questions I may be allowed to remark that the Sikhs, who are looked upon as the backbone of the Indian army, and whose loyalty has been repeatedly recognised by the authorities and whose bravery has been tested in the battlefield, are not given that attention which they deserve, and no special seat is given to them either in the Imperial or in the Provincial Legislative Council. I am quite aware of the fact that in the paragraph no. 10 the Punjab Government has drawn attention of the officers to their claims.

But, Sir, if the argument advanced in the Government of India letter no. 2310—2317, paragraph 16, for accounting special seats to Muhammadans owing to their minority holds good then it applies with a greater force in the case of the Sikhs whose minority is admitted by the Punjab Government letter in paragraph 8. I submit, therefore, that special seats be given over to the Sikhs not in the Punjab Legislative Council alone but on the Imperial Legislative Council as well. So out of the four seats on the Imperial Legislative Council, 2 should be given to the Sikhs and in the same proportion in the Punjab Legislative Council. Now I take up the questions, and answer them as briefly as possible.

I. *Imperial Advisory Council.*—This council would be of a great service to the country and the Government.

This would be a council the members of which would be in a position to communicate the popular feelings and ideas of their provinces to the Government.

In my opinion the lines sketched out in paragraph 4 of the Government of India letter requires a slight modification. The word territorial magnates may be qualified by the addition of "well educated" territorial magnates. Territorial magnates should not be simply such gentlemen who hardly understand their duty and who simply may prove of no use.

It is admitted that we should swim with the tide as the education is making itself felt in every class, and the hereditary leaders without education are loosing their ground. So, for this reason I submit the words "well educated" be affixed to the territorial magnates in paragraph 4 of the Government of India letter.

Paragraph 5—

2. That the Provincial Governments would nominate the members from their Provinces, but the Viceroy would have the power either to accept the nomination or to reject it.

3. The number be increased to one hundred; owing to the vastness of the Indian Empire, including the Native States, this number is not very great. Deducting 20 ruling Chiefs there would remain only 80 gentlemen to represent the public interest. Out of these 4 should be Sikhs.

(3) The words territorial magnates may be qualified by affixing the words "well educated" and in the place of "land-holders" the words may be "gentlemen of good birth and education holding land." The words that I propose convey the full sense and serve not only the purpose of the Government but the public as well. They would be land-holders with the qualifications of good education and birth.

There may be, or rather are, land-holders who are not descended from good families and have not received any education, so I contend that such land-holders would not serve the purpose.

(5) The only power they should be vested with should be to communicate to the public the desire of the Government when they are so ordered, such as to correct the misstatements in the press or on the platform to misrepresent the Government's intention.

Until they are given even such nominal powers they are likely to lose the confidence of the people, and hence leadership.

II. (2) *Provincial Advisory Councils.*—For the reasons given above I am of opinion that there should be such a council.

The number should be raised from 20 to 30.

For the reasons given in my remarks when discussing the paragraph 5 (3), I would submit that the words "well educated" be affixed to land-holders as well as good birth. To increase the number from 20 to 30 seems to me necessary.

The greater population of the Punjab lives on agriculture, and very few can be eligible to represent the Sikh community. In order to make a representation of the Sikhs, I suggest the number be increased, and the modification be made that the Sikhs would have a special advantage and privilege, *i.e.*, out of 30 at least 2 would be Sikhs.

My remarks which I have made while discussing paragraph 5 (3) of the Government of India letter apply also to paragraphs 6 and 7 of the Punjab Government letter.

III. (3) I approve the enlargement of the Imperial Legislative Council.

Paragraph 12, Government of India letter—

(2) D. Elected members.

(*e*) I would suggest the affixing of the words "well educated" before the words "nobles and great land-owners."

There are nobles who are quite illiterate and who on account of caring little to keep up the name of their forefathers associate themselves with persons of such character who must be avoided and whose morality has gone down so low that the society shuns them and they are no more leaders of the society they belong to. Hence I suggest that the word "well educated" be affixed.

There is not a single example, at least in the Punjab, where sons of nobles who have received a good education have lost their respect in the eyes of the public and lost the leadership of the society they belong to.

Besides this, illiterate nobles would hardly understand their duty and the right of franchise. The words "well educated" be affixed also before "great land-owners." I need not repeat the reason for this as I have already given while discussing paragraph 5 (3) of Government of India letter.

Paragraph 12—

D. (*d*) The reason given by the Government of India letter, paragraph 16, holds also good in the case of Sikhs. And I would suggest, as also remarked in my introductory remarks, that the Sikhs alone be given two seats under this head.

E. Out of the seats under this head that are to be nominated by the Viceroy at least four should be given to the Sikhs. As the minorities are to be represented, and the Sikhs being in minority, there is no reason that they should not be given even one seat. If the Government intends that the minorities or special interests must be represented then Sikhs must be given the 4 seats under this head. But I would not be so strict as to deprive my Muhammadan subjects of the favour that the Government intends to show to them which the Government may show as they like, although on principle I am against it and do not think that they deserve the favour.

III. (4) I do approve it.

(5) I am in favour of the proposal that one of the great land-owners (provided the words "well educated" is affixed before "great land-holders") of this province be re-selected to the Imperial Legislative Council.

I am not in favour of a direct election as this province is very backward in education, and the electorate cannot understand his duty. There is a fear of the votes being abused and in certain cases purchased.

Owing to this reason I would suggest that the non-official members of the Punjab Legislative Council may elect a well educated land-holder of good birth to the Imperial Legislative Council.

The gentlemen would be eligible for election who holds land, pays a good revenue, and is a member of the Punjab Legislative Council.

In other words, they would select one from among their own members.

(6) I do not approve of the proposed appointment of 4 Muhammadans to the Imperial Legislative Council. On the other hand, I propose that these seats should be given to the Sikhs. I need not repeat the reasons for my proposal as they have been given above.

IV. (7) *Provincial Legislative Councils.*—The number should be raised to 21 including His Honour the Lieutenant-Governor.

(8) I am not in favour of the principle of election as long as the people are not well educated.

But I should certainly suggest that the nomination should be modified.

The principle to be observed in nomination should be that the nominated gentlemen should belong to a family given in the *Chiefs of the Punjab*. He should be a man of a good education and good social position.

The Deputy Commissioners, who are generally more in touch with the people, should be asked to send in the names of the gentlemen possessing the qualities given above. This would give a good number for selection and would represent the whole Punjab.

The Lieutenant-Governor being not personally acquainted with the nobility and gentry of the whole Punjab may select a gentleman who does not command respect and is not a leader of the class he belongs to.

(9) Out of nine seats I would suggest that for the present, in order to represent the different classes, the nomination should be on the following lines—one-third of the unofficial members, *i.e.*, 7 nominated by the Lieutenant-Governor, 3 should be Sikhs, 2 Muhammadans, and 2 Hindus.

In nomination the Sikhs must have a larger share because in the Punjab they exercise a great influence not only as agriculturists but as military men.

They being loyal and brave and constituting the greater number in the army should be given preference over other classes. This would be a great political consideration on which this agreement is based.

(12) There should be no separate representation of the Muhammadans. But as remarked above the Sikhs and the Muhammadans and the Hindus be nominated in the proportion given above.

V. (13) *Discussing of the Budget in the Legislative Council.*—I quite agree with the proposed alteration of discussing the Budget in paragraph 23 of the Government of India letter.

(14) The Budget should be discussed by the Punjab Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

(15) I do advocate the introduction into the Punjab Legislative Council of the right of interpellation by members.

This right is given to the councils of the other provinces, and there is no reason why after 10 years' existence of the council members should not be given the same right enjoyed by other provinces.

GURBAKSH SINGH, GYANI,

Barrister-at-Law.

Dated Amritsar, 7th November 1907.

From—TH. MAHAN CHAND, Amritsar,

To—The Deputy Commissioner, Amritsar.

In reply to your letter dated 24th October 1907, accompanying a printed correspondnce on the proposal to establish Advisory Councils and the enlargement of Legislative

Councils, I beg to say that the proposal made in Government of India letter seems apparently to be complete in itself. I do not, therefore, think it necessary to suggest much alterations in the same or to deal with the questions in any length.

As to the nos. I, II, III of the questions, I approve the proposals to establish the Advisory Councils and the enlargement of Legislative Councils, both Imperial and Provincial. But as to their usefulness for the country on the lines sketched out in Government of India letter I wish to reserve as the expression of my views for some other occasion and till I have got ample time to consider the matter more minutely. As to other questions I give below brief replies:—

(4) I approve the proposals.

(5) The simplest method will of course be to allow the non-official members of a Provincial Legislative Council to elect such members for the Imperial Legislative Council from among themselves or other land-holders.

(6) I am afraid my opinion on this point may not be thought a prejudiced opinion, so I hesitate to express my views, but conscience compels me to say that such a partial treatment will effect, it is feared, to widen the gulf of race or sect hatred among the Hindus, Sikhs, and Muhammadans which can never be of service to the country. The political aspirations of all Indians in general are one and the same. The enactments discussed or passed in Legislative Councils affect without distinction the population of the country or a province alike. The Hindus, the Sikhs, the Muhammadans may be religiously separate communities, but their political interests are never so different. There is no instance that any of the other communities ever objected the sole representation of Nawab Nawazish Ali Khan, Baba Khem Singh Bedi, or Pandit Suraj Koul for the Punjab, in the Imperial Legislative Council. Still it is advisable no doubt to have representatives of different classes or occupations in the council, but an extraordinary step to reserve special seats for a certain sect or class is sufficient to arouse the feeling of indifference and hatred for the other sects.

IV. (7) The number may be increased to 21.

(8) The half of the number selected and half be nominated; the reasons given in the last passage of paragraph 17, Government of India letter, is sound.

(9) I am unable to go in details. The local Government can best determine what classes should be represented.

(10) Ditto ditto ditto.

(11) Ditto ditto ditto.

(12) If special seats for this sect is to be allowed these should better be filled up by nomination.

(13) I agree to the alteration proposed.

(14) I do not see any use of allowing discussion of the Budget.

(15) I am not so much anxious for the sanction of this power to the members.

TH. MAHAN CHAND,

Dated Amritsar, 14th November 1907.

From—Sardar Sher Ahmed Khan, C.I.E., Amritsar,

To—The Deputy Commissioner, Amritsar.

In reply to your letter no. 2862, dated 24th October 1907, forwarding a copy of Punjab Government printed letter no. 2643, dated 27th September 1907, regarding the measures proposed by the Government of India for the reformation of the Imperial and the Provincial Councils, I most respectfully beg to submit the following answers to the questions on which the opinions are desired by the Government of India:—

Questions.	*Answers.*
I. (1) *Imperial Advisory Council.*—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and, if so, do you suggest any alterations in the	The establishment of the Imperial Advisory Council will certainly prove very useful both to Government and the people, and the traditions of this country warrant an institution as outlined in paragraph 4 of the Government of India letter, but I may

Questions.	*Answers.*
proposals made in paragraph 3 regarding its constitution and duties?	humbly suggest with regard to the constitution of the proposed council that the number of the councillors may be reduced to 50, out of which 15 must be the ruling Chiefs and 35 territorial magnates, *i.e.*, seven from each province, and on important sensational measures of legislation their previous consultation must be deemed necessary.
II. (2) *Provincial Advisory Council.*—Do you think that a Provincial Advisory Council would be a useful institution, and, if so, would you suggest any modification in the proposal made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?	As an Imperial Advisory Council is considered useful, a provincial institution, similar in functions to those of an Imperial one, will undoubtedly be beneficial to the public.
III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement of the Imperial Legislative Council, and, if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?	It is very generous on the part of the Government of India to propose an enlargement of the Imperial Legislative Council, and in my humble opinion the requirements of the time are in favour of such an extension. I certainly approve of a scheme of an enlargement of the council, but the seats allowed to the Muhammadans, keeping in view their status in the country and their loyalty to the Government, are not sufficient as given in paragraph 12 of the Government of India letter.
(4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?	I beg to agree to the proposal that one member of the Imperial Legislative Council should be selected by the non-official members of the Privy Legislative Council as proposed in paragraph 13 of the Government of India letter.
(5) Do you approve of the selection of one of the great land-owners of this province to the Imperial Council, and, if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?	In my humble opinion the direct election of a land-holder for the Imperial Legislative Council from each province is more suited to the needs of the time, and the electorate in the Punjab should be of those land-holders who pay a land revenue not less than Rs. 5,000 a year.
(6) Do you approve of the proposed appointment of 4 Muhammadans to the Imperial Council—2 by election and 2 at least by nomination—as suggested under head D (*d*) and E of paragraph 12 of the letter? Would you recommend that the elected members should be selected by the Muhammadan members of the Provincial Councils or by some such electorate as described in paragraph 18 of the letter?	The acknowledgment by the Government of India of the principle of separate representation of the Muhammadans in the Imperial and Povincial Councils has been approved with gratitude by the Muhammadan community throughout India, but, as I have already suggested, their number proposed is inadequate. In accordance with this principle so generously laid down in recognition of the loyalty of the Muhammadans, I beg to suggest that the system of the election, as outlined in the Government of India letter, paragraph 18, is more desirable, and the following should be the electorate of the Muhammadan members proposed in clause D (*d*) of paragraph 12:— (*a*) The Muhammadans are non-official members of the Provincial Councils. (*b*) The Muhammadans, Fellows of the Indian Universities. (*c*) The Muhammadans, members of all 1st class municipalities throughout India.

Questions.	*Answers.*
IV. (7) *The Provincial Legislative Council in the Punjab.*—Would you advocate an increase in the present number of members, and, if so, to what figure?	As Imperial Legislative Council is to be enlarged, the Punjab Legislative Council must follow the suit. I would humbly suggest the present number to be increased to 41and the number of the non-official members should be not less than 19.
(8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election?	Out of the numbers, nineteen, suggested above, 7 seats of non-official members should be filled up by nomination and the rest by election.
(9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (*a*) of the Government of India letter), and, if so, what classes do you consider should be represented and in what proportions?	In my humble opinion each community, like Hindus, Muhammadans, and native Christians, should be allotted a fixed number of seats [the Sikhs should always be grouped with the Hindus as even the Chief Court ruling (decided by Justice Chatterji) in the case of the will of Late Sirdar Dial Singh, has enunciated the same principle, which has also been recognised in the municipal elections] so, considering the political and the numerical importance of the Muhammadans in the Punjab the seats allotted to them should be not less than 11.
(10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through municipal or district board? If so, on what system would the election be made? If not, what electorates would you suggest?	The Muhammadans' electorate in my humble opinion should consist of— (*a*) The Muhammadans, Fellows of the Punjab University. (*b*) The graduates of 7 years' standing of any of the recognised Universities (British or Indian), (*c*) The Muhammadan members of 1st class municipalities and district boards. (*d*) The Muhammadan land-holders paying land revenue not less than 700 rupees a year. (*e*) The Muhammadan traders and professional men paying income tax not less than 52 rupees a year. (*f*) Retired Government servants, or Government pensioners, drawing a monthly pension not less than rupees 125.
(11) If you advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter, would you carry it out in the manner proposed in paragraph 22 (*b*), and would you suggest any corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*), or in any other manner?	The principle of separate representation of classes should be extended to all the municipalities and district boards of the Punjab.
(12) If you think provision should be made for the separate representation of Muhammadans in addition to that open them by nomination in the ordinary way, would you provide for such representation by nomination or by election, and, if by election, would you adopt the form of election suggested in paragraph 17 of the Government of India letter, or what other form would you propose?	I beg to submit that, as already suggested, I approve of the principle of separate representation which I look upon as a great political advantage, and also approve of the system of election.
V (13) *Discussion of the Budget in the Legislative Council.*—Do you consider that the system of discussing the Budget in the	In my humble opinion the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner

Questions.	*Answers.*
Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?	as pointed out in paragraph 23 of the Government of India letter.
(14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and, if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?	A similar principle in discussing the Budget in the Punjab Council should be adopted.
(15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members?	I should humbly suggest the introduction into the Punjab Legislative Council of the power of interpellation by members as it would serve the purpose of a safety valve.

SHER AHMAD.

Answers to questions on which opinions are desired in connection with Government of India letter no. 2310—2317, *dated* 24*th August* 1907.

I. (1) In my opinion an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter will certainly be of service to the country, and I agree to the proposals made in paragraph 5 as far as constitution and duties of the council are concerned, no alteration is required excepting election of old experienced native officers whether serving or retired, or efficient legal advisers besides ruling Chiefs and zamindars.

II. (2) In my opinion Provincial Advisory Council will prove a useful institution, and I agree to the proposals made in paragraph 6 of Government of India letter regarding the constitution and duties of the council, and I beg to add that it will be convenient and a way of prompt disposal of matters if the councillors are collectively consulted, and by so doing the councillors will, with due precautions, tender their opinion.

III. (3) I approve an enlargement of the Imperial Legislative Council, but as to the proposals sketched out in paragraph 12 of the Government of India letter, I simply suggest that no caste should be specified as done in clause E regarding 4 members.

(4) Yes; in particular I agree to the proposal that one member should be elected by the Provincial Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-owners of this province to the Imperial Council, and also I prefer it a proper way to consult the entire body of land-holders to other 2 methods laid down in paragraph 15 of the letter, and in giving the right of voting to the land-holders the rate of land revenue may be fixed by Government, which I think should be one thousand or more.

(6) In one way reply to the primitive part of this has been given in reply to question III, and as to the subsequent clause of the said question I recommend that the election of these Muhammadans should be made by the voting of the general public, and the capacity of the voters may be determined by Government, but in my opinion the voters should be those persons who pay income-tax on Rs. 25,000, and in case of land-holders the amount of land revenue should be corresponding figures.

IV. (7) I advocate an increase in the present number of the Provincial Legislative Council in the Punjab and the number should be at least 15.

(8) I hesitate in maintaining the present system of nomination; the present system shows that out of the total number of members one-third will be unofficials, *i.e.*, out of 15 as suggested above 5 will be unofficials, out of which 3 should be nominated by Government in the following manner, *viz.*, one Hindu, one Sikh, and one Muhammadan, and out of the remaining two, one should be elected by the Punjab University and the other by the zemindars. The University will fix the capacity of voters, and as to the election of a zemindar it should be determined according to the payment of land revenue which should not be less than Rs. 1,000.

(9) In my opinion I think it essential to mention about members who are to be nominated by Government, *i.e.*, 3 out of 5 who are nominated should be in the same manner, *viz.*, one Hindu, one Sikh, and one Muhammadan.

(10) I have given my opinion in reply to question 8 and there appears to be no necessity for its repetition.

(11) Ditto ditto ditto ditto.

(12) Reply to this has already been given in reply to questions nos. 8 and 9 in which especially the representation of Muhammadans is noted.

V. (13) In my opinion the proposal made in paragraph 23 of the Government of India letter regarding discussion of the Budget in the Legislative Council is proper, and if this system is acted upon the result will be satisfactory.

(14) I consider that the Provincial Budget should be discussed in the Punjab Legislative Council in accordance with the same system as laid down in paragraph 23 of the Government of India letter.

(15) I do advocate the introduction in the Punjab Legislative Council of the power of interpellation by members.

LACHMI SAHAI.

Replies to questions on which opinions are desired in connection with Government of India letter no. 2310—2317, *dated* 24*th August* 1907.

I. (1) I consider that the appointment of an Imperial Advisory Council is not only necessary but is a means of great honour and pride for the dignitaries. It will exalt the zamindars, hence I cordially agree with both the parts of the question.

II. (2) I think that a Provincial Advisory Council will be a useful and beneficial institution, and I can suggest no modifications.

III. (3) I do approve the proposal suggested by the Supreme Government regarding the enlargement of the Imperial Legislative Council, which would lead to the welfare, peace, and honour of the country and facilitate the justice.

(4) As regards election by the Provincial Legislative Council, I suggest that the Government should keep the appointment in their own hands as the Government is well aware of the distressed state of their subjects and should nominate the members deemed fit.

(5) I approve of the selection of one of the great land-owners of this province to the Imperial Council. The members should bear the qualifications of their being acquainted with the status of the province, and at the same time they should be approved by the Government of their ability and experience and should be of unprejudiced principles.

(6) I cordially approve of the proposed appointment of 4 Muhammadans to the Imperial Council and the Muhammadans should be the electorate.

IV. (7) I advocate an increase in the present number of members, and as to the number I would say that it should reserve to Government to fix the number.

(8) In my opinion the present system of nomination should be maintained.

(9) In my opinion the seats should be allotted to each class, Sikhs, Muhammadans, Christians, Hindus, and Aryas.

(10) I approve of the present system appointing the officials, as in the election of unofficials there will occur good many difficulties.

(11) The present system adopted by the Government is praiseworthy and requires no scrutiny.

(12) Reply is the same as given in answer to question no. 6.

V. (13) The present system of discussing the Budget in the Legislative Council is to the point, for there is none to devise a better plan after making alterations into the present system with reasonable proofs, because it is exceedingly difficult to understand the Budget.

(14) Ditto ditto ditto ditto.

(15) Indeed it is just on the part of the British Government, which has no rival in the administration of justice, to introduce into the Punjab Legislative Council the power of interpellation by members.

S. ARUR SINGH,

Naushera, Nangli.

From—SARDAR BIKRAM SINGH, Honorary Magistrate, 1st class, Amritsar,
To—The Deputy Commissioner, Amritsar.

I. (1) Yes; I think the Imperial Advisory Council will be of service to the country, but not appreciable either to its own members or the public unless some change is effected in regard to its constitution and duties. Concerning that my suggestions are as follows:—

(*a*) That the Imperial Advisory Council too should, like its proposed Provincial Advisory Council, represent other interests as well, besides those of great land-holders, to wit, commerce, capital, industry, and profession, even though it may have to be enlarged for the purpose. This even the House of Lords does in England.

(*b*) That it should be given a statutory recognition in this wise that any matter proposed in the Imperial Legislative Council be referred to the Imperial Advisory Council, provided three-fourths of the non-official members of the former so desire, and in case a majority of the latter agrees to any one thing thus referred to for its opinion, that matter so agreed to, if not acceptable to the Government, should be kept in abeyance for a year from that date in deference to its opinion.

(*c*) That it should meet at least once a year.

II. (2) Yes, I think so. But at the same time modifications with constitution and duties seem necessary on the wise suggested in my replies, clauses (*b*) and (*c*) question.

Yes, I do, and I take the liberty of suggesting that some modifications appear necessary and reasonable in the scheme sketched out in paragraph 12 of Government of India letter.

In that letter under head D, sub-heads (*b*), (*c*), (*d*), and (*e*), in all 20 members are to be had. Out of these under head (*e*) 2 are to be nominated to represent minorities and special interests and yet need not be Muhammadans. Thus there are left 18, out of which 4 are to be Muhammadans exclusively, 2 to be nominated by Government and 2 to be elected. Of the remaining 14 the Punjab and East Bengal alone, where the Muhammadan population is in the majority, and where if no special provisions will be made to protect minorities, the majority will return Muhammadans only, that is to say, the big land-holders as well as the nominees of both the Provincial Legislative Councils will be Muhammadans, and taking only one Muhammadan member from Upper Provinces and yet none other from any of the other provinces which is not likely, there will always be 9 Muhammadan members out of 18, *i.e.*, half the number. And if not any of the other provinces besides the above-mentioned returns a Muhammadan, then Muhammadans will be in majority within the limits of 18! Now this will be out of all proportion and there can be no conceivable justification for such a state of affairs. Therefore, besides being utterly unfair it would lead the public to attach motives which is not very desirable under the present circumstances of the country. From no conceivable point it appears reasonable that Muhammadans in comparison to all Indian people with the latter undeniable importance should be in equal number with a chance of majority. Therefore as circumstances of the country are under sub-head, instead of Muhammadans the commercial and profesional men should be given the privilege to elect. This will satisfy the aspirations of the educated community and at the same time a glaring favour avoided, without injuring Muhammadan interests in view of the fact that Muhammadans can be nominated by the Government under sub-head D, though without specially making it a provision of statute that at least two should always be Muhammadans.

(4) Yes, I do.

(5) Yes, from this province a great land-owner should be returned; and if the Imperial Legislative Council is to be improved on the basis of representative institution the selection of one cannot be considered a step in the right direction, nor the selection were in any of the methods suggested in paragraph 15 can improve the situation, the allegation would be there all the same that only a selected member is not a true representative, and, in my opinion, therefore, the big landlord should be returned by election, and the electorate should be each land-holder in the province who pays Government land revenue not below Rs. 1,000 to have a vote. And since the member to be elected and the electorate is to be land-holders exclusively, to my mind there would be very little chance of wire-pullers coming in making things go astray.

(*b*) I do not approve of the Muhammadans' appointment to the Imperial Council by election under head D (*d*) as already stated in question III (3), but if that is not to be so the electorate should neither be the Muhammadan members of the Provincial Legislative Council as it is utterly too small a body, nor should it be in its entirety the one described in paragraph 18 of the Government of India letter. In my opinion, for this province Muhammadans paying income-tax upon annual income of Rs. 5,000, or paying an amount of land revenue indicating a corresponding income, would get in quite suitable.

IV. (7) Yes; I do advocate an increase in the present number of members for the Provincial Legislative Council, and in my opinion it ought to be raised to 27, exclusive of His Honour, made-up, 13 being non-officials.

(8) No; I do not think that in this province should be now maintained nomination only. I would rather suggest that 3 non-official seats to be filled by nomination to represent special interests and two by election in this way—

(a) One member each from every division of Commissioner, *i.e.*, every division of Commissioner become a constituency, and since central districts are more important, the Lahore Division should have 2. In all 6 will meet the requirement, and under this head these to be returned by all men, irrespective of caste and creed, who pay income-tax not below Rs. 100 a year and Government land revenue not below Rs. 500 annually.

(b) One to be returned by the Punjab University, and all graduates of 5 years' study should have a vote each.

(c) One to represent commercial and industrial interests, being returnable by commercial associations of Delhi, Lahore, and Amritsar, and also limited companies and banks in the province, and have a voice in the matter.

(d) One to represent agriculturist interest, being returnable by district boards exclusively.

(e) One member to represent minorities in the Punjab, which are Hindus, Sikhs, and Christians.

(9) No; I cannot see my way to recommend class representation on the basis of caste or religion. This tends to perpetuate undesirable distinctions which, in the interests of good government and humanity, should be attempted to be done away with, and Indians, particularly Punjabis, are moving in this direction though slowly; representative ought to be territorially, *i.e.*, all qualified voters electing without distinction of religion, and if this is not to be so, their 10 seats should be distributed to us for election, *i.e.*, 4 to Muhammandans, 3 to Hindus, 2 to Sikhs, one to European businessman, Christians and Parsees, in the province.

(10) I do not think it a right to advocate election through municipal or district board exclusively. This would not mean much nor it would improve matters. Members of municipal and district board are elected by an electorate of an inferior order in which in most cases men of higher social position do not take any very keen interest. Therefore the electorate should be separate though the municipalities and district boards should each be given so many votes according to its importance. To my mind electorate ought to be by any man paying income-tax not below Rs. 100 a year or Government land revenue not below Rs. 500 annually. All graduates of the University not below 5 years' standing.

(11) I do not advocate class representation, and if that is to be 20, then the manner proposed in paragraph 22 (*b*) and (*c*) might as well be adopted.

(12) I don't think that special provisions should be made for Muhammadans in the Punjab where they are in majority as published in His Honour's letter. On the other hand, therefore, it is the Hindus, Sikhs, Christians who should be protected if any provisions are to be made for the minorities, and any minority given the exclusive privilege should exercise it by election, and electorate mentioned in paragraph 17 of Government of India letter. Clauses 1, 2, and 3 appear quite suitable.

(13) Yes; I consider the system of discussing the Budget in the Imperial Council should be altered in the manner suggested in paragraph 13 of Government of India letter.

(14) Yes; I do think that the Budget should also be discussed in the Punjab Provincial Council and in the manner given in paragraph 23 of Government of India letter.

(15) Yes; I do advocate it. Whether the power of interpellation of the thing would not improve by an inch, and not bestowal of such a power when wisely used will have a great moral effect on various branches of that administration.

BIKRAM SINGH,

Honorary Magistrate, 1st class, Amritsar.

No. 305, dated Gurdaspur, 7th December 1907.

From—MAJOR C. POWNEY THOMPSON, I.A., Deputy Commissioner, Gurdaspur,

To—The Commissioner, Lahore Division.

I regret the delay that has occurred in answering the reference contained in Punjab Government letter no. 2643-S. (Home—Legislative), of 27th September 1907, a copy of which and its enclosures I received with your circular memo. no. 233, dated 5th October 1907.

The translations of the correspondence were not received from the Punjab Government Press until the 25th October 1907, so that owing to the Dewali and Id holidays I was unable to convene a meeting until the 12th November: on that date representatives of all schools of intelligent thought collected at Gurdaspur. These representatives had previously digested the correspondence on which their opinion was invoked. The subject was freely discussed with a view to forming the representatives into parties, which could return opinions representing the collective views. Certain parties were nominated by these parties to return written replies to the questions at issue, and the meeting then dissolved.

2. I have now received these written replies.

I submit as typical 3 of these replies in original:

A. That of Sardar Narain Singh, zaildar of Singhpura, Jat Sikh, an old man who has spent a strenuous life, whose influence, opinion, and assistance have always been at the disposal of district officers. He is highly intelligent and thoroughly loyal. He represents the Sikh zamindars of the district.

B. That of (jointly) the Anjaman Islamia of Batala and Sujanpur. This represents the Muhammadan community.

C. That of B. Gurdit Singh, B.A., LL.B., a local pleader, who represents the view of the local bar association and of the progressive Hindu party, and includes several Jat Sinkh zamindars of position.

3. I now proceed to discuss the opinions expressed in these typical replies:

I. (1) All consider that a certain proportion of the members should be elected.

C considers that the number of councillors should be considerably increased.

B & C consider that this council should be given power of initiation that their proceedings should be published.

C considers that its own party "men of light and leading (learning) who have endeared themselves to the people by their meritorious service" should have the preponderance of the "elected" seats.

I regret that neither B nor C appear to have grasped the fact that if a council is given powers of initiation and public discussion, it ceases to be advisory and trespasses on the functions of the Legislative Council.

II. (2) *A* fully agrees with the Government proposals, and considers that all members should be appointed. Points out that Sikhs are entitled on account of their loyal services, and previous position as rulers of the Punjab, to a larger number of seats than their numerical strength would justify.

B and *C* reiterate the suggestion made by them in answer to question I (1).

III. (3), (4), (5) & (6) *A* agrees, merely reiterating the claims for special representation for the Sikh nation, and regarding (5) stating a preference for the 2nd alternative set forth in paragraph 15 of the Government of India letter.

B as regards (3) agrees, but urges that the number of seats reserved for Muhammadans should be increased to 7 so that one Muhammadan might be elected by each province.

As regards (4), approves of the proposal.

As regards (5), approves of the proposal, and suggests that the seats should be filled by election, the electorate consisting of land-owners paying not less than Rs. 5,000 revenue.

As regards (6), approves and refers to suggestion under (3) *supra*—does not express an opinion as to which of the alternative methods of election is preferable.

(3), (4), (5) & (6) *C*—objects to racial distinction to reservation of seats for Muhammadans. Points out that the universities and learned professions are unrepresented. Urges that educational attainments should be a qualification for both membership and the electorate.

4. I think the above shows the trend of the opinions in this district. All welcome the proposals: the Sikhs think that special seats should be reserved for them; the Muhammadan are grateful for the reservation of seats for them, but consider that the number reserved is inadequate; the progressive party consider they are entitled, in virtue of their superior education, to a much larger share of seats in the councils than Government proposes to place within their reach.

5. My own opinion on the question raised is as follows:—

I. (1) *Imperial Advisory Councils*.—I think this council would hardly attain the chief purpose of its existence, *viz.*, the diffusion of correct information upon the acts,

intentions and objects of Government. Usually its proceedings are to be private and so its members would not be at liberty to divulge the information (if any) they had acquired. Almost all questions of interest to Indians are provincial rather than Imperial. The few Indians who take interest in Imperial questions are men who can otherwise obtain early information regarding the acts, intentions, and objects of Government.

II. (2) *Provincial Advisory Councils.*—I think this would be a most useful institution, and I approve of the proposals made in paragraph 6 of the Government of India letter, but I would add to these that the Lieutenant-Governor should be authorised to summon additional members for the discussion of any particular subject, *e.g.*, in the case of a subject affecting one district or a group of districts the verbal opinions of some of the officials who have special knowledge on the matter may be of value to Government. But far more important than the opinions of local officials would be those of intelligent local non-officials, who are likely to be personally affected by the measure on the tapis, or who are the acknowledged representatives of such persons. Such additional members (whether officials or unofficials) would be only summoned for the discussion of the subject of which they had special knowledge, and when that was concluded would withdraw. As this council will have no power, it seems that there can be no disadvantage in introducing the informal element above suggested.

III. (3) *Imperial Legislative Council.*—The enlargement of the council appears necessary. It is hard to discuss the scheme until the details *re* constitution of electorates have been decided. The complaint hitherto has been that the legal profession in particular and professions in general have had too much power, and one of the objects of the present proposals is to prevent this in future. The only places which professional men appear to have a chance of getting are those shown in paragraph 6 (2) D (*a*) (*b*) and E of the Government of India letter. The proposed changes in the constitution of electorates make it doubtful whether they are likely to get many of these.

It seems that there is a possible danger of the pendulum swinging too far "the other way" and it might be advisable to further enlarge this council by providing 3 seats for professional men of which not more than 2 should belong to the legal profession.

III. (4) Yes.

III. (5) Yes, the 2nd alternative.

III. (6) I approve of the appointment of 4 Muhammadan members, 2 by election, 2 by nomination.

The election should be by Muhammadan members of the Provincial Councils. The election of the 2 members by any other method would give rise to an amount of local friction in the Muhammadan community quite out of proportion to the local importance of the issues at stake.

IV. (7) I would increase the number to 22, including the Lieutenant-Governor 23:

12 officials, nominated.

7 non-officials, nominated.

1 legal profession representative, elected.

1 Chamber of Commerce.

1 Punjab University.

IV. (8) The elective principle can easily be introduced in the cases of legal, commercial and educational appointments, but it does not seem that the province is got far enough advanced to justify its introduction for the other non-official appointments. Such elections would unnecessarily disturb communities which are at present quite content in their apathetic ignorance.

IV. (9) My answer to question IV (7) shows that I advocate there being 10 seats for non-official members of which three are to be reserved for the nominees of the Provincial Bar Association, Chamber of Commerce, and University. The remaining 7 should ordinarily go to land-owners. I do not think it advisable to definitely determine how many seats are to be allotted to each class, but ordinarily the proportion should be 3 Muhammadans, 2 Sikhs, 2 Hindus.

IV. (10) *Vide* my answer to IV (8).

IV. (11) I do not propose elections for the Provincial Council except for the nominees of the Provincial Bar Association, Chamber of Commerce, and University.

The question of alternative of the constitution of municipal and district boards might well be taken up separately. At present they are not so constituted as to make it possible to make them responsible for the election of members. The alterations will take some years to carry out, and the new system must be tested by experience before this heavy responsibility can be placed on the boards.

IV. (12) *Vide* my answer to IV (9). I do not think it advisable to provide for the separate representation of Muhammadans, as Government will naturally nominate a fair

proportion of them. If it be decided to do so, I should advocate nomination, as election would only create unnecessary dissensions in the Muhammadan communities. If election is adopted, I advocate the electorate suggested in paragraph 17 of the Government of India letter.

V. (13) Yes.

V. (14) No.

V. (15) No.

C. POWNEY THOMPSON,

Deputy Commissioner, Gurdaspur.

Dated Gurdaspur, 18th November 1907.

From—NARAYAN SINGH, Zaildar, Singhpura, Tahsil Batala, District Gurdaspur,

To—The Deputy Commissioner, Gurdaspur.

With reference to your order of the 25th October 1907, I most humbly beg to submit my answers to the questions set in the Government of the Punjab letter no. 2643-S., dated the 27th September 1907.

Further I beg to state that I have been authorised by all the zamindars of this district, whom you had kindly asked to answer the questions, to give answers on their behalf (the vernacular letter of authority is attached herewith). The answers are therefore to be considered from all the zemindars, whether Hindus, Muhammadans, or Sikhs.

NARAIN SINGH, ZAILDAR,

Singhpura, Tahsil Batala, District Gurdaspur.

(1) Yes. In principle that is a step towards constitutional progress, but much will depend on the *personnel* of the council. If really worthy men are there they must prove of some use. We think that if half of the Imperial Councillors be elected instead of all of them being nominated that might solve the problem. Still better, the ruling Chiefs might elect their own representatives and the territorial magnates their own. If the council is really to serve as an agency for the diffusion of correct information, etc., it must in some way or another command the confidence of the public. It is highly gratifying to see that the Government already aims at adequate representation of the interest of all classes, religions, and creeds, and I feel therefore confident that the case of the Sikhs, who care more to serve the Government than to talk loud and wide, and who depend entirely upon the benign British Government for their subsistence, protection, and welfare, will not be allowed to merge into that of the Hindus.

(2) *Provincial Advisory Council.*—Paragraphs 6 and 7 of the Government of India letter no. 2310-23, dated 27th August 1907, contemplate an Advisory Council for each Indian province similar to the Imperial Advisory Council for all India. I venture to think that the Provincial Council will be as good and useful an institution for the province as Imperial Council will be for the whole country. Confining my opinion and remarks to my province, I think that the Punjab needs an Advisory Council very badly, and its existence some months ago would have prevented the unfortunate events of which all sensible men are ashamed. But its usefulness will depend, as remarked in the case of the Imperial Advisory Council above, chiefly upon the constitution of the council and the degree of the confidence imposed by the Government officials in the members and *vice versâ*. Considering the past history and present condition of the Punjab, I venture to think that the well meant intentions of the Government in establishment of the proposed Advisory Councils will be better fulfilled if all the members of the Punjab Provincial Council are selected by the Government; but in selecting members, the number of the Sikh members should especially be larger than the proportion of their numerical strength would demand, because (1) in no other province of India is there any chance of a Sikh appearing in council, (2) their backwardness in education and consequent inability to give orations is apt to create wrong impressions about their rights and ability, (3) their eminent services in the field of action, mere look of which causes the classes, now favoured with public appointments in all departments, to apply for leave and private affairs, and (4) their helplessness and entire dependence upon the Government, for all they had is now at the service and disposal of the Government—willingly given and most loyally presented. Under the circumstances, I am of opinion that of the proposed 20 members of the Punjab Provincial Advisory Council, 10 should be officials with 3 at least Sikhs, and 10 non-officials—3 Sikhs, 2 Hindus, 1 Christian, and 4 Muhammadans.

(3) Yes; since the Government have recognised the principles of special representation of minorities and class representations, it is just to point out that the Sikhs also form an important minority and have stakes in this country, while others have

simply in most cases shown lip-loyalty, the Sikhs have proved this assertion by shedding their life-blood in the Imperial cause. They are also predecessors of the British Government in the Punjab, and that score also deserves special consideration. They don't wish that they be given what belongs to others, but they be given the thing to which they are rightfully entitled. We are sorry to note that no mention of the Sikhs is made in Imperial Legislative Council. The laws of the Empire apply to the Land of Five Rivers also, and thus affect the Sikhs as well as the others, and we do not know why the Sikhs should not ask that a certain number of seats be reserved for them as in the Imperial Legislative Council. Everybody thinks himself a very important unit of this Universe. The Sikhs claim the same number of the seats in the Imperial Legislative Council as any other single community may be given.

(4) Yes.

(5) The second alternative would be better.

(6) Yes; with this resevation only that all important minorities be accorded class representations.

(7) The number may be raised to 60, out of which at least 25 may be non-official members. But the Sikhs claim one-third seats in their own province.

(8) We would have in the Punjab partly by election and partly by nomination.

(9) We consider that the following classes should be represented:—

(*a*) Land-owners, (*b*) cultivators, (*c*) traders, and (*d*) professional classes, and they should be given seats as given under—

3 land-owners, 2 cultivators, 3 traders, 2 professionals.

(10) The election should be direct and we would suggest the following electorates:—

(*a*) Rate payers, paying Rs. 200 a year.

(*b*) Income-tax payers, Rs. 100 a year.

(*c*) Graduates.

(11) The municipal and district boards of the Punjab are not considered by the public as very successful institutions. These institutions, nevertheless, cannot be displeased. We suggest that the rules for their constitutions and guidance of their working as well as the qualification of the voters should be raised.

(12) At least one-third of the seats should be given to the Sikhs in our own province in all councils.

(13) Yes.

(14) Yes.

(15) Yes.

NARAIN SINGH, Zaildar,

Singhpura, Tahsil Batala, Gurdaspur.

Opinion tendered on questions in connection with Government of India letter no. 2310—2317, *dated 24th August* 1907, *by the Anjuman Islamia of Batala Sharif, Gurdaspur, and Sujanpur, District Gurdaspur.*

I. *Imperial Advisory Council.*—(1) This council will be of advantage if the following modifications submitted are given an ear:—

2. Half the members be appointed by the elective and the other half by the nominative principle. The elections should be made as proposed for the Imperial Legislative Council as submitted elsewhere.

3. Instead of 60 the number of members should be at least 100, so that from each of the provinces at least 10 members may be drawn in addition to the ruling Chiefs.

4. The period of five years for such of the members as are nominated will suit, provided they are eligible for subsequent nomination.

5. The Advisory Council be formed under a Legislative Act, so that its position be better than what it is as now proposed.

6. Yes; but the councillors should be permitted to submit any proposal which is to the interest of the public.

7. It is impossible to keep private any subject which is discussed at a meeting, as a Persian philosopher says:—

(Nihan kai mánad án ráze Raza soz and Mahafalhá.)

Reasons for dissent from the Government proposals.—At present, as need be, all the Imperial darbaris are consulted and also other voters are invited to give their opinions. The number of darbaris is vast, hence it seems better to increase the proposed number of councillors.

If the appointment of the council is not authorised and honoured by legislation what good do the Government and ryot anticipate over and above the present condition?

As the councillors come from different districts and towns and themselves being of separate types, it is impossible to keep private any matter coming before them, and it is useless to try to keep such matters private.

II. *Provincial Advisory Council.*—This seems to give an advantage provided, as pointed out in answer to no. I above, the number of councillors is increased so that each district may at least give two men by election, besides those coming in by nomination.

III. (3) *Enlargement of the Legislative Council.*—We agree with the Government proposal as given in paragraph 12, but as the Muhammadans are behind hand in education, handicraft, wealth, etc., and their only trust being in their loyalty, it will be to their interest that each province give one Mussalman, or from the seven provinces seven men are drawn, it will further add to their loyalty.

(4) This proposal in paragraph 13 is considered well.

(5) Yes; one of the great land-owners of the province should be appointed by election, and such election be made by such of the land-owners who pay not less than Rs. 5,000 as land revenue. The number of such electors should be 55.

The Mussalmans are grateful for the proposal, and with due submission, in consideration of their backwardness in education, handicraft, wealth, etc., submit that the number be kindly increased to 7, that is, that one member be taken from each province.

IV. (7) *The Provincial Council in the Punjab.*—The number of members may be increased to 41, of which 21 by nomination and 20 unofficial by selection.

(8) See above.

(9) The proportion should be based on the census of the Punjab in each sect, and each sect make their own selections.

(10) The present system of election of municipal and district boards is undesirable, nor capable and honourable people like thus to compete; the mode of election through municipal and district boards is not considered to suit.

(11) The manner indicated in paragraph 22 (*c*) is suitable and should be worked to.

(12) Taking into consideration the suggestions submitted in III (3) and (6) we beg to submit that the form of electorate suggested in paragraph 17 of the Government of India letter, for the election of Muhammadans in addition, will answer, but the election should be carried out by the following according to the majority of votes:—

(*a*) Mussalman Fellow, University.

(*b*) Mussalman graduate or Barrister-at-Law with more than five years' practice.

(*c*) Mussalman Alam Fázal.

(*d*) Zamindars who pay more than Rs. 5,000 a year as land revenue or those who pay income-tax on Rs. 5,000 and including those who, with land revenue and income-tax, are worth Rs. 5,000.

V. (13) *Discussion of the Budget in the Legislative Council.*—The manner suggested in paragraph 23 of the Government of India letter is good.

(14) The Provincial Budget should be discussed on the same lines as the Imperial.

(15) Yes, for it removes misunderstandings.

Dated Gurdaspur, 21st November 1907.

From—B. Gurdit Singh, B.A., LL.B., Pleader, Gurdaspur,

To—The Deputy Commissioner, Gurdaspur.

I have the honour to submit herewith draft of answers to the questions asked by the local Government as regards the Advisory and Legislative Council extension scheme.

The said answers are on behalf of the Hindu members of the "Local Bar" who have appointed me as their delegate, and also on behalf of those gentlemen whose proxies are herewith attached with full description and designation in original.

I would further beg to declare that in the opinions expressed in these answers all agree.

Hoping that you would kindly read and consider them.

GURDIT SINGH, B.A., LL.B.,
Pleader, Gurdaspur.

Suggestion and modification regarding Advisory and Legislative Council Reform Scheme.

I. (1) *Imperial Advisory Council.*—The question whether an Imperial Advisory Councily would be of service to the country depends for its answer upon two considerations, namely, (*a*) upon the *personnel* of the said council, (*b*) upon the method of its work.

(*a*) *The proposed "personel".*—The Government of India letter contemplates that a council of great ruling Chiefs and territorial magnates who are the natural and hereditary leaders of the people will be consulted by the Government upon all questions of general administration and Imperial interests. So far as the principle of bringing the people of the country into the councils of the Empire is concerned, there can be no two opinions regarding its usefulness, but from the fact that these ruling Chiefs and territorial magnates will not be right and competent interpreters of the people, the scheme, I would beg to submit, would be of much service to the people at large on the following grounds:—

(1) The said ruling Chiefs and territorial magnates are not so much in touch with the people whom the measures generally affect, consequently they will not be in a position to judge of the magnitude and gravity of their grievances.

(2) The interests of the ruling Chiefs and magnates largely clash with those of the people, because they themselves are interested in putting down the public spirit for fear of their own subjects catching the infection of independent comment.

(3) They are not given to habits, except a very few among them, of studying questions of politics and public welfare for the reason that they are given to a life of ease and comfort. Their opinion upon questions of grave importance would be very crude.

(4) The territorial magnates would represent only very limited interests, whereas their opinions and advice would affect the whole people.

Therefore, if the proposed composition be determined upon, the scheme would, to a greater extent than at present, hamper the growth of public spirit in the country. The very object underlying the scheme would be frustrated, *viz.*, public opinion and intelligent criticism would be ignored and more misunderstandings of motives and intentions would be created between the Government and the people. The ruling Chiefs and the territorial magnates would be quite helpless in such a plight to interpret rightly, and satisfy and silence the public, because their high position in the society will not allow them to gauge the real feeling prevalent in the lower strata of the society, and therefore influence them for any good. Hence I would suggest the following modifications in its composition:—

(1) The *personnel* of the council should be composed of representatives of all classes of the people—small land-holders, big professional men, capitalists, and commercial men of light and leading who have endeared themselves to the people by their meritorious service and in whom the people have confidence.

(2) These councillors should be half elected and half nominated, the former being elected by the elected Provincial Advisory Councillors from the following classes:—

(1) Representatives of learning; (2) representatives of learned profession; (3) of capitalists; (4) commerce and industry; (5) land-holders and ruling Chiefs.

Thus, unless representatives and leaders from all classes be taken into the councils of the Empire and in the above proportion, I doubt if the institution would be of any service to the country.

(*b*) *Method of its work.*—The Government of India letter does not give these councils any legislative recognition or initiative of their own. Thus, here even, the condition attached to their existence is very unsatisfactory. It is proposed that these Advisory Councils are given to the country in recognition of the situation and demands of the native community, that is, it is suggested these will form a nucleus of a great constitutional institution. But we would ask, will these councils, as proposed, be really constitutional bodies such as to form part of great Indian polity? to say that these will

have no legislative recognition means that they will not form part of Indian polity; *ergo* their deliberations and conclusions may be taken into consideration, and may as well be ignored. Under this condition of their existence, it is no good having such councils—the press and the platform supplying the needful much more efficiently.

Next, the scheme as shown above is ostensibly meant to promote better feelings between the rulers and the ruled, but with due deference I submit that the manner of their work, *i.e.*, either collectively or individually or by letter and the non-publication of their deliberations and conclusions—does not bid fair to fulfil these ends; it will rather surely create distrust and suspicion in the popular mind, as everything will be done in the dark.

Hence I would suggest the following changes in the duties and manner of their work:—

(1) *Modifications.*—That these councils should have some sort of legislative recognition in order to form them real constitutional bodies; at least when the majority of these councillors are opposed to a certain measure, it ought to be abandoned.

(2) That any Imperial Councillor should be at liberty to bring any important matter affecting the administration to the notice of the Government, and to have it referred to Advisory Councils for opinion and advice.

(3) In no case these councillors should be consulted individually and by letter.

(4) That they should be allowed to deliberate in such a manner as to be free from any external influence likely to affect their independent judgment and advice.

II. (2) *Provincial Advisory Councils.*—The same observations apply here. These also should be so constituted and worked as to be most efficient and representative. The number of the councillors proposed is 20, the half of which should be elected from the classes enumerated above, which may be done by grouping together, for election purposes, a representative electorate of all the classes mentioned in paragraph (6) of the Government of India letter and adverted to by us in answer to question I (*a*).

III. (3) *Imperial Legislative Council.*—The extension of the Imperial Legislative Council is a move, no doubt, in the right direction, and the Government on this head deserves the best thanks of the people in recognising their just demands. One can also see the justification for the limitation imposed that the Government should always have a standing majority, because it is natural and legitimate for the only Paramount Power in the land to provide for this contingency in the interests of general peace and order and also in the interests of the people themselves, who are not yet fit for this last measure of self-government.

Racial distinction uncalled for.—Coming now to answer the real question and suggest modifications in the scheme, what we regard most impolitic and irritating is the separate representations for Muhammadans and the reservation of seats in their favour exclusively. We make no secret in declaring that more than half of the present state of tension and ill-feeling is due to these class legislations and distinctions in which the Government have of late cultivated a tendency to indulge. We all are Indians, and as Indians we should aspire to represent the different interests. Among the Muhammadans also there are land-owners, merchants, men of education, artizans, and labourers, and in sufficient proportion, who can acquire seats in the ordinary way open to others. If different interests are to be represented, and all admit they must be so represented, then why not declare that these are the common interests of the country which require representation on the council rather than differentiate the various communities by caste and creed which are surely to cause racial bickerings? Thus in the interests of general peace and order this policy should be abandoned and an uniform method should be thrown open to all, reserving, however, the right to nominate some members of the community to the seats of the councils, if really they may fall short of their number and importance. Otherwise if the Government is solicitous to reserve expressly some seats for the members of the Muhammadan community, will not the Sikhs be justified in demanding it for themselves? And in fact once this principle is allowed, where will be the halting place? Then the question whom to grant and whom to refuse this privilege will become very difficult to answer. The Sikhs, the Jains, the Parsis, the Christians and the Aryas all shall raise a cry because all would say that they possess political interests of their own requiring special representation. Hence in our humble opinion the benign British Government should not indulge in favours and partiality towards any special class at the sacrifice of true merit and efficiency.

Changes suggested.—But if the Government is determined to make this racial distinction then we would suggest the following course:—

In the scheme no provision is made for the representation of learned professions and universities, whereas the Government sets two seats apart for the Muhammadans to be given by election, and again provides for the protection of special interests and

minorities four seats, out of which not less than two will be given to Muhammadans. Thus the very object for reserving this power will not be served, because interests of other minorities will not be protected if the Muhammadans are returned in large numbers. Let the Government either reserve for Muhammadans those two seats to be filled by election or those to be filled by nomination, for by so doing the Government will be more free to look after the interests of any other special class and provide for its representation, than if its hands be tied down by express reservation of two seats by nomination as well for Muhammadan community alone. Therefore we suggest that if the Government wishes to give two seats at least by nomination to Muhammadans then let the Government reserve those two seats, specified for Muhammadans by election, for men of learned profession and the universities who are quite unrepresented. Thus alone the Government would be free to be able to balance all interests at a given time if necessary.

Hence with the exception of this head D (*d*) we approve the scheme as sketched in paragraph 12.

III. (4) *Election of one member by non-official members.*—Yes; one member should be elected by the elected non-official members of the Provincial Council.

(5) The selection of one of the great land-holders of the province to the Imperial Council should be made direct by election through an electorate of such land-holders as pay a yearly revenue of Rs. 2,000 or upwards, and besides possess educational qualifications up to the Entrance standard. The person selected, however, should be at least an under-graduate of some University and having property qualifications higher than those of the electors.

Other two methods suggested unsatisfactory.—Out of the other two methods suggested that of nomination will not serve the purpose, while that of election by landholding members of the Provincial Council from amongst themselves is open to the objections of entrusting the privilege of election to a very small number of constituents, which will be hardly more than 3 or 4—an objection which the Government themselves have raised in paragraph 13.

(6) *Electorate of Muhammadans! what?*—For this part of the question see question III (3) where we do not approve of separate representation for Muhammadans.

But if the Government is determined to reserve those two seats for Muhammadans by election, then these should be filled by election through an electorate as proposed in paragraph 18, clause (*c*), with this additional qualification that the persons elected should be graduates of not less than 10 years' standing.

IV. (7) *Punjab Provincial Council.*—The Punjab Council should be increased to the number of 25, including the Lieutenant-Governor of the Province. Bearing in mind the limitation imposed, these 24 seats may be thus distributed—

(*a*) Legal Remembrancer	1	This number will be sufficient for the adequate representation of different classes, whereas any smaller number will not meet the requirements of various classes.
(*b*) Additional officials	2	
(*c*) Ruling Chief	1	
(*d*) Elected non-officials	9	
(1) Punjab University	1	
(2) District and municipal boards	6	
(3) Legal profession	1	
(4) Punjab Chamber of Commerce	1	
(*e*) Nominated non-officials	2	
TOTAL	24	

(8) *System of nomination undesirable.*—We do not approve the present system of nomination should be maintained; according to the table given above all the un-official seats, except two, to be reserved to protect minorities, etc., should be filled by election.

(9) *Class representation impolitic.*—We are opposed to the system of class representation based on creed and religions as it produces enmity and unrest. On the contrary, the seats should be distributed according to the system of classification made by virtue of profession and occupation. This, to a certain extent, has been suggested by the Government of India letter, clause 22 (*c*), where occupational groups for district and municipal boards have been indicated to constitute electorate.

The only classes which require representation on the council are those given in the above table, and there the seats also have been proportionately allotted to each class.

10. *Method of election.*—As above shown the three seats have been allotted to the University, the legal profession, and Punjab Chamber of Commerce, respectively, one

each, and their respective electorates are already determined. Only six seats according to us should be filled by members elected through district and municipal boards, and their election should be made in the following manner.

In doing so we will have to begin from the bottom, *i.e.*, will have to provide a fresh constitution for the district boards and municipalities on the lines sketched out in clause 22 (*c*) but not entirely. We shall also have to constitute a general assembly of both the district and municipal boards, respectively, composed of representatives from all these districts, and in the case of municipalities from only some of them as possess a certain amount of income. The franchise also will have to be raised. Below I have tried to give a sketch of the same.

A REVISED METHOD TO WORK OUT THE SCHEME.

Constitution of the district boards.—There should be fifty seats in the district board in addition to those nominated or appointed by the Government. They should be distributed over the different sections of the population as shown in the following table:—

Class.	No. of seats.	Voters' qualifications.	Members' qualifications.
1. Land-holders . .	20	Rs. 400 land revenue or Rs. 200 land revenue and literate: or Rs. 150 land revenue and literate up to the middle standard who has matriculated in any University or has passed any other higher examination.	Pays Rs. 600 land revenue or Rs. 300 land revenue and is literate up to the middle standard or is an advocate, pleader, a graduate or holds a degree in medicine besides belonging to the land-holding class.
2. Occupants of lands .	10	Occupies land 15 ghumaus in area and is literate, or occupies 30 ghumaus of land only or has passed the matriculation or other higher examination.	30 ghumaus of land and literate up to the middle standard or occupies 60 ghumaus of land only or is a pleader, advocate or holds a degree in medicine or has passed the matriculation standard.
3. Sahukars and traders .	10	Pays income-tax and is literate or has passed the matriculation or other higher examination with an income of Rs. 50.	Pays Rs. 42 income-tax and is literate up to the middle standard or is a pleader or advocate, a doctor or a graduate of some University with income of Rs. 100.
4. Artizans and labourers .	10	Rs. 100 worth immoveable property or pays one rupee monthly rent or Rs. 10 income per month or entrance-passed in town and middle in villages, or sub-overseer.	Rs. 200 or upwards immoveable property, or pays two rupees rent or earns Rs. 30 per mensem, or a pleader, advocate, or a graduate or entrance-passed or an overseer or engineer.

General assembly of all the district boards.—Such district boards will return four members each to the said general assembly, their representative qualifications being as under:—

One land-holder.—Paying land-revenue to the amount of Rs. 1,000, and is literate up to the middle standard, or is a pleader or advocate, or he holds degree in medicine or has matriculated, with an income of Rs. 1,000 a year.

One occupant.—Occupies 100 ghumaus of land and is literate up to the middle standard, or is a pleader, advocate, or holds a degree in medicine, or has matriculated, with an income of Rs. 500 a year.

One sahukar, &c.—Income-tax Rs. 100 and literate up to the entrance standard, or a pleader, advocate, degree-holder in medicine.

One artizan.—Is an overseer or an engineer, a graduate, or a pleader, or an advocate or owns property worth Rs. 10,000, or has matriculated and earns Rs. 50 per mensem.

An electorate composed of such members from all the districts will elect 3 members to represent on the Provincial Council. The qualifications for these members should be either they should be paying yearly revenue of Rs. 15,000 or upwards, and have also matriculated, or should be an advocate, a pleader or holding a degree in medicine or graduate of 10 years' standing, with an income of Rs. 100 per mensem or an engineer or entrance-passed owning immoveable property to the value of Rs. 50,000 or upwards.

Municipal boards.—As there are different grades of municipalities, so the qualifications of voters and members should be different. But the right of representation should belong only to those who have an annual income of Rs. 80,000 a year. Such municipal boards as have this income should send five members each to a general assembly composed of such members as have been returned by the said boards, who will elect the said 3 members for the Provincial Council. Their qualification should be—

Revenue up to the annual amount of Rs. 1,500 and literate up to the matriculation standard, or annual income of Rs. 25,000 or is a graduate of 10 years' standing with an income of Rs. 200 per mensem; or is an engineer, a doctor, a pleader, or an advocate of some standing, say 10 years, or owns immoveable property of the value of rupees fifty thousand.

Such may be the rough scheme based primarily on the suggestion contained in clause 22 (*c*) and comparable with that already followed in district boards and municipalities, as regards the qualifications of voters, &c.

11. We do not advocate separate representation of classes as proposed in paragraph 22 (*a*) and hence would not carry it out in the manner proposed in paragraph 22 (*b*).

As to the corresponding changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*), *please* see the scheme worked out by us at the end of answer to question no. 10.

12. We do not consider it political that separate representation for Muhammadans should be provided; but if it be determined upon the electorate proposed in paragraph 17, Government of India letter, would be well and good, in no case they should be nominated.

13. Something is better than nothing! and all well-wishers of Government and country will be glad to receive this concession. The discussion of the Budget by separate heads will, no doubt, supply correct information to the people, and will bring them in closer touch with the departments of public income and expenditure. It is firmly hoped that this throwing open of the source of information to the public will produce a wholesome effect in influencing the future financial policy of the Government according to the reasonable wishes of the people.

14. But the privilege should also be extended to the Punjab Council, as in doing so the provincial policy may be directed to grapple with more immediate and pressing demands of the province. By the discussion of the Budget much useful and correct information will be diffused. But here too the discussion should be by separate heads as it will thus be more full and thorough, and be greatly facilitated.

15. The privilege and power of interpellation being so necessary in eliciting correct information upon the general measures of administration that no good purpose will be served by extension of the council if this privilege also be not granted to the Punjab Council. It is a privilege which is worth having, and it is time that the Punjab Council should also introduce this system in the said council, both in the interests of the rulers and the ruled, because it sometimes removes false impressions caused by false rumours.

These then are our suggestions and proposals regarding the scheme, and we hope that they will be read with as much patience as their importance demands.

GURDIT SINGH, *Pleader.*

No. 361, dated 3rd December 1907.

From—R. Sykes, Esq., C.S., Deputy Commissioner, Sialkot,

To—The Commissioner, Lahore Division.

I have the honour to submit my opinion in reply to your circular endorsement no. 233, dated the 5th October 1907, regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters. I have endeavoured to ascertain the general trend of opinion in verbal discussion with as many of all classes as possible, but the subject is not one on which public opinion is formed and, except in regard to general views on the main features of the proposals, I was not able to elicit during the verbal discussions many striking individual opinions on the data of the proposals. The general trend of opinion, so far as ascertained, is, however, mentioned in the paragraphs below.

I. (1) *Imperial Advisory Council.*—In a district like Sialkot, where there are practically no leaders of the people, the advantages of a council to represent the hereditary leaders of the people are naturally not very apparent. The case may be different in the northern and western districts of the province where strong Muhammadan tribes

have their recognised leaders. But in the Punjab generally, which is often spoken of as a land of peasant proprietors, there does not appear to be any strong attachment to territorial magnates or to rulers of Native States. And certainly in this district the proposals regarding the Imperial Advisory Council, although the beneficent intentions of Government are fully recognised, are not regarded with much enthusiasm. I am personally of opinion that too much should not be attempted at once. I fear that the proposed duplication of councils in each province and in the Imperial Government may prove an unnecessary embarrassment to Government. Is the Advisory Council to be furnished with rules for its own conduct by Government, or is it to be allowed to make its own rules? If it makes a rule that its discussions shall be public, notwithstanding the proposal of the Government of India that the proceedings should be private, informal, and confidential, does the Government propose to retain the power to over-rule such a decision or if it decides to meet at some time or place without being convened by Government, or to discuss some subjects on which its advice is not asked, or its proceedings to be ignored? The proposals regarding Advisory Council do not contemplate their being governed by an official majority, and in my opinion there is a danger that such councils may be influenced by wire-pullers and that their discussions and decisions may prove ill-advised. I would therefore suggest that the proposals regarding the Imperial Advisory Council should be held in abeyance until the advantage of such councils and the conditions under which they can profitably be formed have been demonstrated in the provinces. I would, however, venture the suggestion that if the ruling Chiefs do not already possess a privilege similar to that of peers of the realm to tender advice to the Viceroy, as hereditary councillors of the Crown, such a privilege should be conferred on them, and if the occasion demands it, they should be convened for the purpose of giving their advice.

II. (2) *Provincial Advisory Councils.*—It is considered probable by some of those consulted that Provincial Advisory Councils will have a wider sphere of usefulness than the Imperial Advisory Council. In this opinion I agree. Appointments to this council will be much coveted, especially if the appointment carries the right to a seat in the Provincial Darbar.

III. (3) *Imperial Legislative Council.*—I entirely agree in the proposed enlargement of the Imperial Legislative Council. It has been suggested to me by an experienced Indian gentleman that this enlarged council will adequately meet all the legislative requirements of India, and that the Provincial Legislative councils can be dispensed with. In support of this view it is argued that with an enlarged council, all the provinces will be sufficiently represented; that the Imperial Council will be able to obtain the services of the most competent legal draftsmen, in which matter the local councils are not so favourably situated; that the number of official members required to maintain an official majority both in the Imperial and local Legislative Councils will prove a serious administrative drawback? and a great expense; that the result of having local councils has been the passing of a number of laws, some of which are badly drafted and some unnecessary; and, finally, that the less legislation there is the better for the country. With these views, as a matter of personal feeling, I strongly sympathise, but as the local Legislative Councils are in existence it does not appear to be a practical measure to abolish them. I agree in regard to the proposed number of 54 as the maximum strength of the Imperial Legislative Council, including His Excellency the Viceroy, and also the proposals in headings A, B, and C and D (*a*) of paragraph 12 of the Government of India letter. But I would invite attention to the opinion of Mr. Ganda Singh, Uberoi, that the commercial interests of the rest of India, besides Calcutta and Bombay, should be represented.

III. (4) In paragraph 13 of the Government of India letter reference is made to the objection to entrusting the privilege of election to so important a post as that of member of the Viceroy's Council to an electorate consisting of only about 10 persons. In my opinion even if the Punjab Legislative Council is enlarged the number of non-official members is not likely to exceed 10 or 12, having regard to the necessity of maintaining an official majority. I think, therefore, that the election to the Imperial Council under head D (*d*) of paragraph 12 of the Government of India letter should be entrusted to an electorate composed of the non-official members of the Provincial Legislative and Advisory Councils.

III. (5) I approve of the proposal that one big land-owner should be elected. I think the electorate should consist of land-owners paying Rs. 5,000 or more land revenue, that the Lieutenant-Governor should nominate four of such revenue payers as candidates for election, and that each voter should then by letter declare to which of the four candidates he gives his vote.

III. (6) I approve of the proposed appointment of two Muhammadans by election and of the proposal that four members should be nominated to represent minorities or special interest, but I would not bind the constitution of the council to the nomination of at least two Muhammadans under head E of paragraph 12 of the Government of

India letter. It does not appear to me to be a certain conclusion that the Muhammadans will be in the minority. It is nowhere stated that the official members nominated by the Viceroy are to be confined to any special class of officials, and possibly the nominations under head B will not be entirely confined to Europeans. The minorities whose special interests may require safeguarding are, I think, Sikhs, Parsis, Eurasians, and Native Christians. As regards the method of election of the two Muhammadan members, I would suggest in the first place that two provinces should each elect one member and not that one province should elect both at any particular election. This would involve the grouping of the six provinces in pairs. In this way each province would have an election for one candidate after six years, instead of for two candidates after 12 years. I would propose that the electorate should consist of the Muhammadan non-official members of the Legislative and Advisory Councils.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I have given some reasons under head III (3) for the opinion that the Provincial Legislative Council will not be required when the Imperial Council is enlarged. But if Provincial Councils are to continue, I think that the Punjab Legislative Council should be enlarged to 24, *viz.*, 14 official members and 10 non-officials.

(8) and (9) In my opinion there should be a fixed rule determining the proportion of seats allotted to each class as follows:—Hidus 3, Sikhs 1, Muhammadans 4, English 1, member nominated by the Senate of the Punjab University 1. The English member should be nominated to represent either commerce or law. The official members should number 13, or including His Honour the Lieutenant-Governor 14, and the total number on the council will be 24. I do not anticipate any inconvenience in asking the Senate of the University to elect one of the members. In my opinion all the other members of the Legislative Council should be nominated. And this appears to be the general trend of opinion.

(10) I do not advocate election through municipal committees or district boards. In my opinion if election is resorted to the electorate should first be nominated by commissioners from the various classes. The total number of the electorate might be—Hindus 60, Sikhs 20, Muhammadans 80, and English 20, and each class of electorate thus obtained should make its final selection from among its members to the seats on the council allotted to the class, that is, Hindus 3 members, Sikhs 11, Muhammadans 4, and English 1.

(11) I am in favour of separate representation of classes as shown above, but I am opposed to the proposal to make corresponding changes in the constitution of municipal committees and district boards. In my opinion such a proposal if carried out now in connection with these political changes will be attended with some popular excitement, and will be strongly opposed. It is true that in India the deepest cleavage in society is due to differences of religion; but in municipal administration these differences do not, as a rule, cause any difficulty in the disposal of ordinary business, and territorial representation by wards is the best suited for the administration of a town.

(12) I do not think that any further separate representation of Muhammadans is necessary in addition to that already proposed.

(13) I agree to the alteration proposed by the Government of India in the method of discussion of the Imperial Budget.

(14) In my opinion a discussion of the Provincial Budget will be of little value. I think the members of the Advisory Council or a committee of it might well be consulted in regard to the Budget, but it does not appear to me that a public discussion will be fruitful.

(15) Interpellation in my opinion is not suited to the existing conditions of Indian politics.

3. I also submit herewith written opinions by Lala Mul Chand, Public Prosecutor, Mr. Ganda Singh, Uberoi, Lala Gyan Chand, Honorary Magistrate, Sirdar Shivdeo Singh, Honorary Magistrate, Rai Arjan Das, Extra Assistant Commissioner, Sheikh Fazal Karim, Extra Assistant Commissioner, Chowdhri Sultan Muhammad, Barrister-at-Law, on behalf of himself and the Land-holders Association. The last mentioned opinion is signed in the vernacular copy by most of the zaildars and leading land-owners of the district.

4. I regret the delay in submitting my reply. My excuse must be that it has taken time both for the people consulted and myself to form our conclusions on the important questions involved.

R. SYKES,

Deputy Commissioner, Sialkot.

Opinion on the questions set out in the Government of India's letter no. 2310—2317 *of 24th August* 1907.

How I approach the subject :—I have read most carefully the Government of India letter and that of the local Government, and the first thing that strikes me is the vast importance and the extreme difficulty of the questions involved. I should, therefore, like to make it clear

in the beginning that I have no great pretentions to handle the subject, as I possess no systematic study of the political literature of the country, and my main guide therefore is my practical knowledge, as a humble citizen of the British Empire giving me a store of commonsense on political matters connected as they are with our daily life. I have certainly watched most keenly the progress of events in my time, and my country, and as a member of the community I have naturally drawn my conclusions as to what would best tend to the progress and advancement of the people. I make this preliminary note especially to help the authorities in attaching what importance they may think fit to my humble suggestions.

GENERAL.

Before coming to discuss the questions *seriatim* as given in the Government of India's letter I would like to deal with some of the general points which are common to the whole subject, and which would, on that account, make my answer to each question more comprehensive and intelligible. It seems to me that the Government of India have realized that the people of this country have made sufficient advancement, and that wider opportunities should, therefore, be given to them for expressing their views on administrative matters. The Government of India, however, do not think that the advancement made is yet sufficient to entitle the people of this country to take any direct hand in the actual shaping of the administration of this country, but that they may look forward towards the fulfilment in no grudging spirit of a pledge which the people of this country are entitled to regard as inviolable. With all this, however, the paramount nature of the British Government should always be kept in view, and in the proposals as promulgated at present the executive authority of the Government of India is maintained in undiminished strength. I understand that these facts are not open to discussion, and in my humble opinion whatever might or could be said as to the capability of the natives of India to take at present a direct hand in the executive of the Government of India, there can be no two words that the paramount nature of the British Government *is and must remain* undisputed in the construction of any political machinery. At present, however, the main functions of the Advisory and Legislative Councils is to be to help the Government of India in arriving as to what is the best mind of the people, in order to build thereupon a wise and beneficent administration. For this purpose, therefore, an agency is necessary, and it is in the construction of this agency that I would first indicate the general points wherein I beg to differ from the Government of India's proposals.

NO CONSISTENT POLICY FRAMED.

The Government of India seem to regard that, as a rule, the Western methods of Government are not applicable to the conditions of India and that, as a rule, any innovation in principle in the traditions of Eastern Society would be misapplied and therefore detrimental to the true interests of the country. This, however, in my humble opinion, is not the right way of approaching the solution of the difficult question of how to secure a true representation of the interests of the vast population of India. The Government of India is essentially a Government of a Western people and a Western Sovereign. The essential elements of an Eastern sovereignty are therefore, wanting and to wish that the British Sovereign and British nation should become naturalized to Eastern methods is, in my humble opinion, to wish for an human impossiblity. And even if this were possible it is questionable whether it is desirable. The British Government have not inherited the sovereignty of this country from an Eastern monarch. They took up the reigns of Government when the whole peninsula was enveloped in turmoil and darkness. The hand of Providence directed them to take up the destinies of a fallen people. The British Government spread over it its benign protection and extended to it the fruit of a beneficent administration. In the very start they took upon themselves to educate the people to the ways and means of an efficient administration, and in doing so they tried to impart to the people of this country the best traits of the Western people. In this effect the British Government have had an admirable success and there can be no two words that the British rule has conferred untold blessings on the misguided and helpless Easterns. After the lapse of a century, therefore, to revert to Eastern methods of Government and to Eastern traditions, would be as impracticable as devoid of any good to the country. In any construction of the political machinery therefore, while keeping absolutely unchallenged the paramount and absolute power of the British Government, any reversion to Eastern methods of polity is bound to end in failure and disaster to the best interests of my countrymen. In the proposals put forward by the Government of India, the inconsistency of the policy is, therefore apparent, for whereas the ground principle of representation for the good of the masses is strictly and most firmaly maintained—an essentially Western idea—a desire to surround the representatives with the pomp and splendour of Eastern romance is also expressed.

CLASS REPRESENTATION.

Throughout the proposls set forth by the Government of India an adoption of a new principle is indicated, namely, that the power of nominating or electing the representatives is

considerably narrowed. That certain classes or interests, who as yet have no voice, or inadequate voice, in the councils of the Government should be given that capacity or franchise, is perfectly legitimate. Wherein I beg to differ from the learned proposals is that the existing freedom of choice of a representative should not be fettered, and that in the formation of classes, castes and creeds should not be recognised. The landed classes shall choose a person from the landed class, the commercial classes from that class, the Muhammadans from Muhammadans, is a principle which appears to me to be quite an innovation in the polity of the Indian Government. I can understand that the landed class or the commercial class is not adequately represented. What I fail to understand is that at the same place and in the same surroundings a Hindu or a Christian landlord or a merchant has adequate representation while his Muhammadan brother has not. If a barrister or a pleader is not fit to represent the landed class or the merchant it is not only that he is unable to do so for the Muhammadans. His inability, if any, must exists for all. Then, again, the recognition of a caste in the grant of a franchise is militant to the very ground principles which the Government of India have in view. The Muhammadans as a whole are a mixed community. They are merchants, landlords, lawyers, school masters, etc., just as their brethern of the Hindu community. I cannot understand why when the different classes of interests are recognized in the Indian communities as a whole the same distinction should not be kept up when treating with the Muhammadans. The right and most simple way of dealing with the problem is not far to seek. If a particular class or interst, for instance the landed or commercial class, is not adequately represented, by all means make an electorate for that class. In making that electorate only seek for the landed class or the commercial, as the case might be, but do not seek for a Hindu, Muhammadan, or a Christian, and when you have made an electorate do not hamper them in their choice of a representative, as far as possible, for it is already admitted that with due regard to official majority only a few seats can be open to election, and if in these also public are not allowed to send their choice representations the chances of the Government being able to find out what is the best mind of the people must be very small indeed. As to caste recognition, the Government of the Punjab seem already to have been landed in a difficulty. They find that although Muhammadan interests are valuable the Sikhs are also an important community. The other diverse castes and creeds might here as well ask the mighty British Government as to why their existence had been ignored. The Sikhs might be supplying the Government with a splendid army, the Muhammadans might have had an important but long historical past, but the other diverse castes and creeds representing various other interests serve no mean functions in the general polity of the British Government, and it would certainly speak ill of the august British Sovereign if with all his strength and might of the Paramount Power it is considered necessary after the lapse of a century to recognise castes in the representation of different classes and interests of Indian community. This course is also defective in principle as it tends to create classes and divisions on a religious basis in our political relations with the Government, and is conducive of the same impediments in our political welfare as the division of people into castes and creeds is detrimental to the social advancement. The principle is, moreover, unnecessary, as I cannot imagine that there is any Government measure which is conducive to the welfare or otherwise of a particular class or creed. In the general polity of the Government of India, its acts and measures affects the whole country, and any distinction made by way of caste in class representation is likely to lead to unnecessary heart-burning and animosities. This principle will at the same time be against the well-established and avowed principle of no distinction between castes and creeds. In my humble opinion, therefore, this principle should be entirely eleminated in the framing of the proposed reforms. With these general remarks I beg now to deal with each question separately.

(1) In my humble opinion an Advisory Council on the lines sketched out in paragraph 4 of the Government of India's letter will not be at all serviceable to the country. With the preamble in paragraph 4 of the aforesaid letter I am in perfect accord. What is needed, as I understand the Government's benign intention, is that the Government should be able to fall back upon a competent body of advisers who should be able to represent the best mind of the people and who should also serve as an agency for the diffusion of correct information upon the acts, intentions and objects of Government. The ruling Chiefs and the territorial magnates would be the last persons who would be of any substantial use in the performance of these important functions. These dignitories, to start with, represent those dynasties who were mostly responsible for the turmoil and chaos from which the Government saved the populace of India. The Government wrested the power from their hands and took the people of the country under their direct charge. In some parts of India where the great landlords are still in existence and the Government does not recognise the actual occupants of land as the persons responsible to Government, all the most competent authors of the subject of land administration deplore the condition of ryots. The Government having taken direct charge of the administration, the territorial magnates were as a rule stunted and they gradually lost all their influence over the vast Indian population. It is a particular and most essential feature of the British Government that men of all classes and conditions of life can approach the sovereign or his representatives direct, and do not need the assistance

of any of the so-called hereditary intermediaries. The ruling Chiefs and the territorial magnates have as a rule stood aloof in the march of the times, and a few of them who gained any recognition at the hands of the public were those who worked on the same lines with the other humble citizens of the British Empire. To give a concrete example, an ordinary subject in the Sialkot District will care more for the district officer or a man of position from his own class on whom the Government has conferred certain honour or position, than the Maharaja of Jammoo and Kashmir, although the said Chief lives just on the borders of his own district. Of the territorial magnates, again, he will have no fear or recognition beyond the fact and to the extent that the said territorial magnate has proved himself worthy of the same by his personal merits and capabilities. I might say in one word, that before the might and strength of the Paramount Power the so-called territorial magnates and their influences have faded into non-existence and the people of India would therefore rightly feel sorry if any recognition were given to such magnates as their hereditary leaders. The true leaders of the people in these days are those whom the Government have recognised as such for their honesty, capability, self-sacrifice, and character. To such of these men the people at large also look with reverence and turn to them for advice. They are in fact the sole creatures of the British administration and cannot in truth look to any heredity for the support of their claims. These leaders are and can be found only from the educated classes, no matter whether such persons are drawn from the landed, commercial, or professional classes or from the ruling Chiefs and territorial magnates, and it is also true that "for the present, at any rate, the needs and sentiments of the masses of the people must find expression through those, whether official, or non-official, who are acquainted with their daily life and are qualified to speak with authority on their behalf." These educated classes have also a material stake in the country, for, being exclusively the products of the British administration, they have everything to gain or lose by the welfare or otherwise of the said administration. By these leaders from the educated classes, I do not mean of course any political criminals who attempt directly or indirectly to minimise the importance of the British Government or who would in any way reduce our genuine respect for the administration or prevent us from our expression of the feelings of utmost gratitude to all the good that has been conferred upon us by the British nation. To such of these criminals the Indians as a whole recommend nothing but a firm and heavy hand, and they wish so irrespective of whether he is a Government officer or a private individual. To ask the natives of this country to look upon the ruling Chiefs or the territorial magnates with awe and veneration as their hereditary leaders simply because they are such Chiefs and such magnates would also be anomalous. Having been now under the British régime for a long time our sense of respect and proportion cannot admit of any idea of competition with the might and magnificence of the British Sovereign and his representatives, and it will be wrong to expect us to do homage to both. We can only pay our respects to the ruling Chiefs and territorial magnates for what they are worth independently of their position and power, which might itself have been a force, but under quite altered circumstances. Then again I might without fear of contradiction say emphatically that the ruling Chiefs and territorial magnates, as a rule, are not in touch with the daily life of the masses of the Indian population, and as to their power of serving as an agency for the diffusion of correct information, upon the acts, intentions, and objects of Government. I might very well say what Nepoleon once said of such dignitories, "that they spoke to no one and no one spoke to them, so they brought home no information." And as to any hope of educating such potentates to the proposed line of administration, I might aptly say that the class will unfortunately consist of students who do not care to learn. Then, again, the Advisory Council is purely an informal body without any legislative recognition. It does not in any way touch or tie down the hands of the executive whose strength throughout the proposal is maintained undiminished. In fact, what the British Government at present propose to do is to hear the masses of India through their capable representatives and then to pass its own impartial judgment as to what it proposes to do. There is no doubt that if these representatives do their duties well and are fit to perform them, there will be a considerable progress made in the orderly working of the Indian Government for the welfare of the people committed to its charge. I admit that this representation might for a time be carried on by nomination but the principle governing such nomination should be entirely changed. The Government of India may be pleased to draw its nominees from the cultured and educated classes, belonging to land-holders, industry, commerce, capital and professional spheres as well as from ruling Chiefs and territorial magnates when fit and capable persons can be found from amongst them. To supplement the list of the Government of India, the Local Governments might also be asked to send in their recommendations, and the Government might also be pleased to nominate direct from the moderate, sensible, and deserving men of the great political bodies now working in the country. In its relations with the welfare of the people the Government of India in reality wants more business, and the rank and pageant required for its Imperial relations might very well be served otherwise and, so far as I can understand, it should not be amalgamated with the practical working of the Indian administration. The Indian people as a body have great faith in the impartiality and sense of justice of the British nation, and they can hope with full confidence that in case the principles of Advisory Council are altered the Government nominees will not disappoint their

expectations. The proposals as now framed fetter the Government of India's discretion considerably, and the last clause that the deliberations will, as a rule, be confidential, will take away from the Government the only check that it can possibly have of examining the *boná fides* of informations received by them, namely, that of public opinion. Taking my experience from the district administrations I should say that the public usually distrust the representations made on their behalf by the titled aristrocracy ; and the learned and experienced district officers will, I presume, bear me out when I say that the best of their informations that they ever received and which probably saved the administration from being placed in unpleasant and awkward situations emanated mostly from humble, unobtrusive, but honest sources. It is a general talk, and I think to a large extent well founded, that the informing department of the Government is most inadequate, and while the natives, as a rule, have complete confidence in the *boná fides* of their European officers, they usually suffer great oppression from the hands of their own countrymen who, taking advantage of their subordinate positions, succeed in most cases in stifling the true grievances of the people. The Advisory Councils in their own spheres will be of material help provided they are capable, honest, and deserving, and as to their constitution I would only say that nominations should, as a rule, be from all possible classes and interests in which the Indian community is at present divided.

(2) Yes, a Provincial Advisory Council would be a useful institution ; but as to its constitution as hinted in paragraphs 4 and 5 of the Government of India's letter, I have the same objections as I have made in my reply to question no. (1). In the proposal put forward in paragraph (6) the Government of India find that it is essential that the smaller land-holders, industry, commerce, capital, and the professional classes should also be included. In my humble opinion, the said classes should also have an opportunity in the Supreme Advisory Council of influencing the deliberations of the supreme executive authority. For the Punjab the number of the proposed advisers I should suggest should be at least as many as there are districts in the province, and I should submit that at least when the deliberations are collective they should be open and not confidential. This, in my humble opinion, is the only way in which the Government will be able satisfactorily to check the informations received before arriving at any definite conclusions. I do not think that the apprehensions of the Government of India that only confidential communications will secure frank interchange of opinion are to any large extent well founded. Rather the privacy of the communications will to a large extent entail the risk of the Government being placed in possession of incorrect and interested informations. The mere fact that the public will know what advice is given by their representatives will ensure to a large extent the correctness of the communications, while the Government will have a double advantage of checking the advice on every important public matter by the public opinion. While there are a number of advantages that can accrue by following the above procedure there is no likelihood of any harm, for ultimately the executive is the sole judge as to what is proper to be done under the circumstances of each case.

(3) Yes, I think an enlargement of the Imperial Legislative Council will be useful. I am, however, not in accord with the scheme suggested in paragragh 12 of the Government of India's letter. Before submitting the changes that I should like to be introduced, I would discuss briefly the principles laid out in the preceding paragraphs. The principle of the standing majority of the Government officials requires a little scrutiny. I do not dispute that the time has not yet come when the sovereign could safely delegate to the people of this country independent legislative powers which are in fact closely allied to the exercise of the sovereignty itself. But what I contend is that according to the statutes relating to the Legislative powers the official majority is not necessary to safeguard from these dangers. The Statutes of '61 and '62 both provide most amply that no proposal for any legislation can be put before the council without such proposal having passed first through His Excellency's Executive Council. And after the said legislation has passed through the deliberations of the council His Excellency the Viceroy has still the power of vetoing if he does not consider the particular measure free from objection. The statutes thus give ample powers to the sovereign's executive authority of guiding the deliberations of the Legislative Assembly. It would, therefore, in my humble opinion, be unnecessary to take away so many high-placed and responsible Government officials from their different spheres of activity. There is, however, one very forcible objection that I can think of, and it is that although His Excellency has the power of vetoing an improper measure the council may, however, create impediments in the way of the executive by dissenting by majority from any measure put before them for legislation. To this I can only reply that it is a question worth consideration whether the legislative body, with all its safeguards of nomination and with the fact that the members are likely to be returned from the cream of society are likely to prove intentionally hostile and likely to place improper obstacles in the just and orderly working of the Executive Government. With all the force, however, that I can conceive of for any arguments I must still admit that the question is not free from difficulty, and the only justification that I can claim for my remarks is that I understand I must enter into a full discussion on all the points that emerge from the Government of India's letter.

Taking, however, my stand on the principle that the standing majority of the Government officials is a necessity, my first point is that the Government might very well give to the public at least one seat more which would leave 19 seats to the additional officials to be nominated by the Government. These, combined with 8 seats mentioned in clause (2) A and His Excellency the Viceroy, would make 28 seats in all, whereas excluding the two seats for official experts it would give 24 seats to the public. The Government would thus be able in every case to count upon a numerical majority, and the 4 seats I think will be ample to provide against indispensable absence of some of the official members. The second point of great vital importance is the representation within these narrow limits of the vast diversity of classes and interests in the Indian Empire. Before submitting my amendments it will be better if I clearly state the ground principles on which I proceed, which are as follows :—

(a) The members of the Imperial Legislative Council must, I think, be drawn from the Provincial Legislative Councils which in their turn should be made as perfect as possible. When dealing with these Provincial Legislatives I will deal with what I think should be the best way of selecting the representatives, and we thus arrive at a main body of representatives, there can be no two words that the members of the Imperial Legislative Council should be mainly drawn from them. This process will lead to uniformity, for otherwise one will always find that the constituents of the Supreme assembly will widely differ from those of provincial bodies, and as the Imperial Legislatives have in the end to serve the wants of different provinces only, any difference in their constituencies will lead to an undesirable anomaly.

(b) What our benign Government should keep in view is the representation of different classes and interests. I have given a general sketch in the preamble, and I would add here that any recognition of creeds will lead to serious misunderstandings. The people can understand that the commercial or landed classes want representation, what they will fail to understand is that the Muhammadans as a whole form any community of interest. A Muhammadan Jat in one of the northern districts has nothing in common with a Moulvi of Delhi. Their laws of inheritance, their every day ceremonials, their ways of thinking, of living, and in fact of everything that is conducive to human well-being, there is a wide divergence, and I doubt whether under the political circumstances of the country it is at all desirable for the Government of India to create any bond of unity on a religious basis when none exists. Besides this, the other communities will feel necessarily that the subordination of their interests is due to some important consideration. Living under the unifying and impertial British administration people can ill-afford to look upon one class as historically or otherwise more important than the other, and, lastly, when after all the legislative body is only a helping and deliberative assembly without any direct powers of initiative it will, in my most humble opinion, be unwise to create distinctions. For the Punjab, at least, as I will show just now, the creation of this special Muhammadan interest will mean that there will be no chance of any Hindu being returned to the Imperial Council. Under the proposed scheme one member will be selected under clause D(*b*) and one under clause D(*c*). If there can be any chance for a Hindu being returned from this province it can only be under these clauses, for there is absolutely no chance under clause E where the Government has various other minorities and special interests to consider. Now as to a chance of election from the non-official members of the Local Legislative Council there can be possibly no chance. In the letter of the Government of the Punjab, paragraph (8), lines 4 and 5, it is given that in the past years on an average the council has contained one Hindu, one Sikh, two Muhammadans and one Christian. The Government of India in their letter, paragraph 22(*e*), indicate the necessity of observing the distinction of race, caste and religion, so that there being a majority of Muhammadans in the Punjab the Hindus are most likely to be crowded out of the local Legislative Council. When the Hindus had only one member during the past years, when no such distinction was observed, their chances of getting any seats under the altered circumstances will be very small indeed. Then as to a possibility of a Hindu being returned for clause D(*c*) this is still more unlikely. In the Government of the Punjab letter, paragraph 5, it is distinctly given that of the possible electors the Muhammadans number 26, whereas the Hindus only 18, in which I believe the Sikhs are also included. By the above analysis I think I have demonstrated that there is no chance for a Hindu being returned from the Punjab. Under these circumstances, in my humble opinion, the principle of recognition of caste and creed is not at all suited, and specially so to the peculiar circumstances of this Province.

Keeping these principles in view I will now proceed to indicate what the constitution of the Imperial Council should be. I start, of course, with the presumption, the grounds whereof

I will explain later, that the different classes and interests are adequately represented in the Provincial Legislative Council.

A.—As given in the Government of India's letter	8
B.—Government officials	19
C.—As given in the Government of India's letter	1
D.—Elected members—	
(*a*) by the Chambers of Commerce of Calcutta and Bombay .	2
(*b*) by the non-official members of the seven Provincial Councils, 2 each	14
E.—Non-officials to be nominated by the Viceroy to make up for the deficiencies of election	7
F.—Experts	2
TOTAL .	53
or, including His Excellency the Viceroy	54

By these amendments the Government will be pleased to see that clause E gives ample powers for the exercise of beneficial discretion, whereas it takes away from the scheme any unsavoury ideas of caste and creed recognition. All classes, by which I mean people belonging to commercial, landed, professional, and other diverse interests in the country, and not castes or creeds, such as Hindus, Muhammadans, Parsis, and so on, will find ample representation in the Provincial Councils and their representatives will certainly be best fitted to choose capable persons from amongst themselves for the Imperial Legislative Council.

III. (4) I have already explained this question in my previous answer.

III. (5) No, I do not approve of this selection; but if the Government does ultimately confirm this method, I should suggest that the election should be from the members of that class from the Provincial Council. I do not advocate nomination at all, for otherwise the already narrow field for election will become still more cramped. I cannot advocate for any separate electorate, for that will prove considerably inconvenient to have one set of electors for the Provincial Councils and another set in the same province for the Imperial Council, and if it is going to be only one set in both cases then certainly the elected members of the Provincial Council should elect from among themselves for the Imperial Council, as otherwise I cannot understand how the same electorate will send one man for one council and another for the other.

III. (6) No; I beg respectfully to disapprove of it most emphatically. I have already indicated the reasons for my humble opinion.

IV. (7) Yes; I would advocate an increase and would suggest that our proposed council should consist of at least 20 members in addition to His Honour the Lieutenant-Governor, and of these 20 seats 9 could safely be given to non-officials. There is no doubt that this Province has made considerable progress during the last quarter of the century. The people, as a rule, are sober and of business habits, and although this Province has not yet proved capable of any flashes of genius the people as a whole can always be trusted with strong and robust commonsense. There is no doubt, therefore, that they will be of material help in advising the Government on points of legislation.

IV. (8) I would have a part of the unofficial seats filled by election. The Government of India in paragraph 16 (last 5 lines) have recognized the force of the argument that in the Muhammadan community the system of nomination has frequently failed to secure the appointment of the Muhammadans of the class by whom the community desires to be represented. This argument can be applied with equal force in the case of other communities also, and I think that considering the improvements made all round this Province is sufficiently advanced for the introduction of a system of election. This Province has in a few years made rapid strides in the development of her industries and commerce, and there are a number of joint stock companies which have shown good capacity of work and enterprise in its managing staff. This Province can, I think, also boast of a large number of students who have received their training in England and other foreign countries. The landed classes have also here and there shown considerable signs of improvement. I do not think therefore that this Province can with any justice be regarded as having in any way lagged behind in the march of times. I would therefore humbly suggest the time has now come when this Province can justly claim the franchise of election from our benign Government. Of the 9 unofficial seats I would submit that at least (6) should be open to election.

IV. (9) I would not advocate any rule such as contemplated in the Government of India letter, paragraph 22 (*a*). I am extremely apprehensive that any recognition of caste and creeds in the grouping of classes would be fraught with serious misunderstandings, and it

would be quite an innovation in the polity of the British Government. This course will tend to the creation of parties on religious basis which, whenever introduced, is always fraught with serious mischief and involves the unsettling of the peaceful relations between Hindus and Muhammadans—the two most important communities of India. I do not, moreover, think that any such differentiation as Hindu or Muhammadan interests is at all felt in the masses. This is only a creation of recent times, and is mostly confined to a part of the educated community. There is, however, no doubt that all right-thinking and peace-loving natives, whether Hindus and Muhammadans, deplore this spirit considerably and would therefore rightly resent the propagation of any scheme which would directly or indirectly lend any colour to this separation theory. The principle, I may say in brief, is strictly antagonistic to the best interests of the country and is strongly opposed to the maintenance of orderly and peaceful relations most absolutely necessary between the two important communities of India.

IV. (10) I have already submitted in my reply to question no. (8) that at least 6 seats must be filled by election. I do not at all recommend any election through municipal committees or district boards, and as there has been an election heretofore in the Punjab there can be no question of taking away of any vested rights as to which the Government of India have felt concerned in the provinces where such elections have been already in force. I understand that there is nothing common between the functions of the municipal and local boards on the one hand and those of the Provincial Legislative Council on the other. The former bodies exist only for local purposes, and it is doubtful whether curtailment of franchise is advisable in the electorate of such bodies. Again their constitutions and ways of working have become so much complicated that I do not think they will admit of an easy or off-hand pruning to suit them for the purposes of forming a suitable electorate for the Provincial Council. I should not touch these bodies at all so far as the present proposals are concerned. Their reformation might aptly form the subject of another enquiry. Meanwhile for our Provincial Legislature it is not difficult to found an electorate. For the election of 6 members an electorate of about five or six hundred persons representing various classes and interests in the Province would I think be sufficient and the answer as to where to find this electorate can be found very easily in the Government of India's own proposals. In paragraph 17 the said authority has proposed what electorate would be suitable for the Muhammadans. I would submit that the same would be suitable to the other communities and without making any distinction between castes and creeds a suitable electorate might be found from—

(1) all who pay land revenue in excess of a certain amount. I am not in a position to indicate that amount as I have no statistics to help in the matter;

(2) all payers of income-tax with income exceeding Rs. 3,000 a year. This I think would comprise of the trading and professional classes;

(3) all registered graduates of the Punjab University of more than, say, five years' standing. This classification, I understand, will consist of all the different classes and interests which should have a representation before the Government and through whom the needs and sentiments of the masses will find expression. I do not think that the Senate of the University should be asked to elect one member for the council. I am afraid that this will lead to an undesirable element in the educational body. The persons who are made graduates by this body and who enter upon their duties as citizens of the British Empire have certainly a most important hand in their political relations with the Government, but the Senate should, I think, have all its energies devoted to purely educational objects. The conferring of the power of election to the Senate is also defective, in so far as it considerably narrows the electorate of the educated classes and the franchise will be confined mostly to the people living at the capital.

(11) No; I do not approve of any representation of the classes as proposed in paragraph (22) *a*, and I have also submitted that the municipal and district board should be kept entirely a separate body. The Government of India has expressed dissatisfaction at the results obtained from these bodies in the other provinces, and I do not see why the same or an altered scheme should be tried in this province.

(12) In view of my adverse opinion as to separate representation of Muhammadans this question does not relate to me.

(13) Yes; I think the alteration proposed in paragraph 23 would be feasible, and I have nothing to add to what is already indicated in the Government of India's proposals.

(14) Yes; I would strongly advocate the discussion of the Provincial Budget in the Punjab Legislative Council. I have already indicated that the Punjab has sufficiently advanced to be on an equal footing with the other provinces, and I am also in favour of discussion by separate heads. This relates entirely to the method of discussion and wherever it is considered advisable to allow the discussion of the Budget, there can be no question that the best method should be adopted.

(15) Yes; this power is extremely necessary to allow the public to have a clear understanding of the acts, intentions, and motives of the Government.

Conclusion.—With these remarks, I beg to submit my most humble opinion for favour of its being considered by the authorities, and could most dearly wish and fervently pray that the proposals as finally adopted may be of good to my countrymen. I hope most confidently that the day is not far off when in the history of the world's civilization, it will be the proud boast of an Englishman that by Divine Dispensation he was enabled to have pulled up one-fifth of the fallen human race to his own level.

MOOL CHAND, M.A.,
Government Pleader,
Sialkot.

Dated Sialkot, 3rd November 1907.

From—GANDA SINGH, UBEROI, Sialkot,

To—The Deputy Commissioner, Sialkot.

As requested I beg to submit the following proposals and suggestions regarding the Imperial and Provincial Advisory and Legislative Councils :—

I. *Imperial Advisory Council.*—I consider that the Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, but I have to make the following suggestions regarding its constitution.

Of the total number of 60 members of the Imperial Advisory Council, half should be nominated and half elected by establishing a special electorate. Nomination should include Ruling Chiefs, territorial magnates, &c. Election need not be confined to any class. Elected members, so long as they are capable of forming an intelligent opinion as to the matters specifically referred to them, and enjoy the fullest confidence of the people, may belong to any profession. It is not necessary that they should be very wealthy. As in America, one member may represent ten millions, thus making a number of 30 elected members for a population of 300 millions. Three hundred top-men in every province paying the highest revenue or income tax should form the electorate to give votes for members. The proceedings of the council should always be open and formal and should be published. The object of forming an Advisory Council seems to be to consult the people through their leaders individually, or collectively, and the diffusion of correct information upon the acts and intentions of the Government which can be better secured by making everything public.

II. (2) *Provincial Advisory Council.*—Certainly a Provincial Advisory Council would be a useful institution. It may consist of 20 members, including those representing the province, on the Imperial Advisory Council. Half should be nominated and half elected. Both nomination and election should be made from different communities and interests. The proceedings of the Provincial Advisory Council should, as a rule, be formal and open to the public to correct misstatements and to remove erroneous impressions.

III. (3) *Imperial Legislative Council.*—I heartily approve of an enlargement of the Imperial Legislative Council, but I would suggest the following modifications in the scheme sketched out in paragraph 12 of the Government of India letter. The strength of the council might be 54 as suggested, but instead of a ruling Chief nominated by the Viceroy, two members elected by the Chambers of Commerce of Calcutta and Bombay, two members elected by Muhammadans and two Muhammadan non-officials nominated by the Viceroy, to represent minorities or special interests, 7 members may be added to those elected by the non-official members of Provincial Councils, thus making their number 14 instead of 7, as suggested by the Government. The reasons for the changes are given below :—

The ruling Chiefs, as a rule, have no great interest in the welfare of the people in the British territory, and the nomination of one of them to the Imperial Legislative Council cannot do much good to them. No special favour should be shown to the Chambers of Commerce of Calcutta and Bombay, when there are equally important bodies at Karachi, Madras, Rangoon, &c., besides other important industries, such as tea-planters, indigo-planters, &c., &c. This innovation of giving 4 members to a certain community would most probably create racial animosity and rivalry between the different communities of India which the Government should avoid as far as possible. If such a favour is shown to one community, the other communities, such as the Hindus, the Sikhs, the Parsis, the Native Christians, &c., &c., should not be deprived of it.

(4) Instead of one I should like to have two members elected by each of the Provincial Legislative Councils, on the ground that if one of them may be absent on account of indisposition, or other unforeseen circumstances, the other may speak for the province.

(5) Yes ; I approve of the selection of one of the great land-owners of this province to the Imperial Council. The electorate may be formed of the hundred highest revenue paying men of the province to choose one from among themselves.

(6) I do not approve of the proposed appointment of 4 Muhammadans to the Imperial Legislative Council for reasons given below.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I strongly advocate an increase in the present number of members of the Provincial Legislative Council in the Punjab. The figure at present may be 21, including His Honour the Lieutenant-Governor, of which 14 should be official members, including nominations, and the remaining 7 may be elected. Non-official nominated members should not be less than three.

(8) I do not approve of the present system of nomination. Out of a total number of 21 I should like to have 10 non-official members, 3 by nomination and 7 by election, as proposed above.

(9) I do not advocate any fixed rule determining the proportion of seats to be allotted to each class, for I think it to be very troublesome and impracticable and likely to create racial competition.

(10) For the appointment of non-official members I would advocate election through municipal and district boards.

(11) I do not advocate separate representation of classes as proposed in paragraph 22 (*a*) of the Government of India letter.

(12) I do not think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way.

V. (13) *Discussion of the Budget in the Legislative Council.*—Yes ; I consider that the system of discussing the Budget in the Imperial Legislative Council be altered in the manner suggested in paragraph 23 of the Government of India letter, with the exception that the alterations agreed upon by majority should be carried out the same year.

(14) The Provincial Budget should be discussed in the Punjab Legislative Council as in the Imperial Legislative Council.

(15) The right of interpellation may be given to the Punjab Legislative Council to place it on an equal footing with the sister provinces.

GANDA SINGH, UBEROI.

Opinion of Gyan Chand, Honorary Magistrate, Vice-President of District Board and Municipal Committee, Sialkot, Proprietor, "The Victoria Paper," Sialkot, on the questions on which opinions are desired in connection with Government of India letter No. 2310—2317, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—This may be of some service to the country if selection of the Imperial Councillors be made by nomination on the recommendation of the local authorities.

Taking into consideration the present state of election of the district boards and municipal committee members, I think that better men will not get seat for the Imperial Advisory Council by election.

As regards the duties, in my opinion, matter of the confidential nature should not be brought before the Imperial Advisory Council for discussion ; only public matters concerning the general welfare of the country should be discussed.

As regards the position and status of the councillors, I am of opinion that the gentlemen who are held in respect by public and Government officers be nominated, and the nomination be made on merits, irrespective of the number of Hindus and Muhammadans.

To fix a limit of income and land revenue, I think many persons of sound opinion will be deprived of getting a seat in council.

II. (2) *Provincial Advisory Councils.*—It may be of some use on the same lines which I have proposed for the Imperial Advisory Council.

The selection of the members be made by nomination on the recommendation of the local authorities. Instead of 20 councillors one should be nominated from each district.

III. (3) *Imperial Legislative Councils.*—I suggested that instead of one at least two members of the Punjab Legislative Council be elected by Provincial Council on merits for Imperial Legislative Council.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I think that the present number of members of the Punjab Legislative Council is not sufficient. This may be increased from 9 to 15. I am in support of the selection of members entirely by nomination and not by election through municipal or district boards.

V. (13) *Discussion of the Budget in the Legislative Councils.*—I think no harm in the discussion of the Budget in the Imperial and the Provincial Councils.

(15) *Power of interpellation by members.*—Yes.

GYAN CHAND.

Dated 25th October 1907.

From—SHIV DEO SINGH, Siranwali,

To—The Deputy Commissioner, Sialkot.

I beg to submit my written opinion on proposal to establish Advisory Councils in the country, and I have put my opinions in forms of answers to the series of questions as directed.

I. (1) I consider that an Imperial Advisory Council on the line sketched out in paragraph 4 of the Government of India letter would be of great service to the country. I do not think that any alteration in the proposal made in paragraph 5 regarding its constitution and duties is necessary or desirable.

II. (2) I think Provincial Advisory Council would be a most useful institution as it would afford wider opportuniies to the people of India to express their views on administrative matters, and will enable Government to know the real wants of the people thr ugh their representatives. If council in Punjab will consist only of 20 members, this number will not be sufficient to represent the landed interests in this province, and qualification attached to land-owners that only those should be appointed who pay from Rs. 5,000 to Rs. 10,000 revenue to Government should be modified.

In several districts such land-owners are not to be found who pay as much revenue as mentioned above. In case no modification is made in present proposal, those districts will remain unrepresented. This standard should be lowered, and land-owners who pay from Rs. 2,000 to Rs. 3,000 revenue should be qualified to represent the landed interest. For appointment of members system of nomination is the best. Country in my opinion is not ripe yet for system of election. Gentlemen of position will refuse to offer themselves as candidates to a wide electorate as they dislike canvassing and by reason of reluctance to risk the indignity of being defeated by rival candidate of inferior social status.

When nominating a member Government must take into consideration that candidate is a man of good family and of high social status, besides possessing educational qualification required for this high and responsible position. He must have full confidence of Government and public. Subject to conditions noted above system of nomination same will prove most usefull.

III. (3) I approve of an enlargement of the Imperial Legislative Council and the scheme sketched out in Government of India letter is the best: no modification of it seems necessary.

(4) I approve that one member should be elected by Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-owners of this Province, to Imperial Council, and nomination would be the best system to adopt.

(6) I approve of appointment of 4 Muhammadans to the council (Imperial Council), all by nomination, subject to opinion expressed in paragraph II of this letter.

IV. (7) As the members already on the Council are not mentioned or known, it is impossible to determine whether an increase would be necessary or not, and hence an opinion on this cannot be expressed.

(8) My opinion is general in regard to nomination being the method considered necessary and most favourable when compared with that of election.

(9) I am of opinion that all classes should be represented, each in proportion to their numbers.

(10) I would propose that Deputy Commissioner of each district selecting one of each class the Commissioner of the Division could then make his selection accordingly, *i.e.*, select one of the representatives of those sent up by the Deputy Commissioner, allowing of the proportion mentioned in paragraph (9) of my above be maintained.

(11) This question is answered in my no. 8.

(12) I am in favour of proportion as stated above in my no. 9.

V. (13) I am greatly in favour of the proposal for discussing the Budget as I consider that by each discussion the general views, requirements, and grievances of one and all could better be known and considered.

(14) Yes; I am of opinion that a discussion of the Provincial Budget would be an advantage, as in other words it should be a preliminary to that of the Imperial Budget.

(15) Yes; I am certainly of opinion that it is necessary.

SHIB DEO SINGH.

Answers to questions relating to the proposals of creating Advisory Councils and enlarging the Legislative Councils in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) The constitution of an Imperial Council is a profitable scheme, but the selection of members is not an easy task. Men of ordinary qualification and pessessing a little information of what is going on in the country would hardly be able to express the views of the people. High education should, in my opinion, be the basis of selection from each class of men.

The proceedings of the council should not be kept confidential. Their publicity would encourage the councillors to take much interest, with a greater sense of responsibility, in forming opinions on the matters referred to them, otherwise they would imagine that their views *were not* worth consideration.

II. (2) An Advisory Council for the Punjab is also needed. The proposed number of 20 members would do for it, but many, if not all, of them must prossess sufficient education to represent the large classes of the people to which they would belong.

III. (3) The proposed enlargement of the Imperial Legislative Council would do immense good to the country.

(4) Yes; one member can with advantage be selected by the Punjab Legislative Council as proposed in paragraph 13 of the Government of India letter.

(5) The selection of one of the great land-owners of the Punjab to the Imperial Council by direct election is desirable.

The 52 land-owners (specified in paragraph 5 of the Punjab Government letter) paying land revenue of Rs. 5,000 and over might form the electorate.

(6) The proposed appointments of two Muhammadans by election is not objectionable, but the nomination of 4 non-officials to represent minorities or special interests need not be restricted to the inclusion of 2 Muhammadans. The Viceroy may nominate any 4 non-officials without regard to religion and creed. The two elected members might be elected by all the members of the Punjab Council and not by the Muhammadan members alone.

IV. (7—15) The present number of the Punjab Legislative Council might be increased from 10 to 20, including half the number of officials. The proportion of the elected members might be about one-fourth of all the councillors. The whole council might consist of the following members:—

1. *Ex-officio* members to be nominated by the Lieutenant-Governor in addition to His Honour himself	9
2. Ruling Chiefs to be nominated by the Lieutenant-Governor ...	1
3. Non-official members to be nominated by the Lieutenant-Governor, including 1 Hindu, 1 Sikh, 1 Christian, and 1 Muhammadan ...	4
4. Elected members	5
TOTAL ...	20(?)

As regards election I would suggest that the 5 elected members might be elected by the following electorates :—

1. A great landlord, by the Anjuman Hamiayat Islam, Lahore.

2. A great landlord, by the Singh Sabha, Lahore.

3. A great trader, by the Trades Association, Lahore.

4. A great lawyer, by the barristers-at-law and pleaders of 10 years' standing.

5. A great literate by the graduates of the Punjab University of 10 years' standing.

V. (13—15) The system of discussing the Budget in the Imperial Legislative Council, as suggested in paragraph 23 of the Government of India letter, is good indeed, and the same system might be introduced with advantage into the Punjab Legislative Council, but I do not think the members of the latter council will be able to exercise the powers of interpellation for some years to come.

ARJAN DAS,

Extra Assistant Commissioner.

Dated 6th November 1907.

From—Fazl Karim, Revenue Assistant, Sialkot,

To—The Deputy Commissioner, Sialkot.

I have been in a greater part of the district since this letter was sent to me, and have not come across any intelligent man who could give any useful opinion, with the exception of some pleaders. This shows the absurdity of the contention of the educated Bengalis and others that the country is prepared for local self-government, and points out the necessity of great caution in the introduction of reforms of Western origin. The proposed expansions of councils will, however, prepare the country for that eventuality, and the proposed reforms have my hearty approval. I shall deal with each question in the order given in the list appended to the Government letter.

(1) The Imperial Advisory Council will be of a great service to the country. In administrative matters the Government naturally stands in need of an advice from the leaders of the people. Even at present such an advice is sought to be obtained by the appointment of commissions or by inviting public discussion. The present system is, however, defective in more ways than one. The persons who at present come forward with an opinion have no responsibility either towards the Government or towards the people, and are often not the real leaders of the people. The opinion given by such men is influenced by considerations other than those for the good of the country in general. The real leaders are either themselves reluctant to come forward with an opinion in the same capacity as men of inferior social status or are kept back by more pushing and scheming individuals. A standing council will do away with these defects. The persons nominated to it will, of course, be the real leaders of the people and will have some responsibility. The people will appreciate the appointment of their leaders as advisers to the Government, and will have more confidence in the Government and its measures.

I do not think that at present any alterations are needed in the proposed duties of this council. After some experience of its actual working, the circumstances may suggest the necessity in that direction. I am, however, of an opinion that in the constitution of this council the same regard should be had for the representation of special and minor interests as has been proposed in the case of the Imperial Legislative Council. In the absence of any such provisions the interests of minorities must suffer as has in the past been the case with the Legislative Councils.

(2) For the reasons given above I am in favour of Provincial Advisory Councils, and would suggest the same alterations in the constitution as in the case of the Imperial Council.

(4) I suggest no alterations in the proposals under this head.

(5) The proposed system is already in use in some provinces and has worked well, and should, in my opinion, be continued in those provinces and extended to others.

(5) As far this province is concerned, the best plan is to appoint such a representative by nomination. The system of election is not popular in this province even in the case of municipal and district boards, and the appointment by nomination is looked upon more honourable than that by election. If, however, election is indispensable, I would suggest an election by the land-holding members of Provincial Legislative and Advisory Councils from amongst themselves or from amongst the other land-owners paying more than Rs. 5,000 as land revenue. Any other electorate will be distasteful to zamindars of position because of their reluctance to be under an obligation to men of inferior social status.

(6) This recognition of the claims of the Muhammadans is most welcome. It is certain that the interests of Muhammadans clash with those of Hindus, and the vast experience has shown that the Hindus do and cannot represent the Muhammadan views in the councils. It is, therefore, but just to give them a separate representation. Such a representative is necessary also for the good of the country in general. Unless this is done, the Hindus would lord it over the Muhammadans and may succeed in the unfortunate revolution lately started in Bengal. As far as this province is concerned, I would suggest an election by the Muhammadan members of the Advisory and Legislative Councils, either from amongst themselves or from amongst other Muhammadans paying not less than Rs. 5,000 as revenue or income-tax on an income of Rs. 25,000 or more.

(7) The present number which is nine is too small. In order to give an adequate representation to all shades of interest, I would suggest an increase to 27, exclusive of the Lieutenant-Governor. At least one-third of the members should be non-officials.

(8) For the reasons given under head 5 I am in favour of the maintenance of the system of nomination for the present in this province.

(9) In my opinion the population of this province may, for the purposes of these councils, be divided into three classes as follows: —

(1) Muhammadans;
(2) Sikhs; and
(3) others;

and the nine seats on the Legislative Council reserved for non-officials may be distributed as follows:—

(1) Muhammadans	4
(2) Sikhs	2
(3) Others	3

This proportion is, in my opinion, just with respect to the population and political importance of the different communities.

(10) The municipal and district boards as constituted at present are not competent to form the basis of an electorate. If election is resorted to, I would suggest the formation of an electorate consisting of one man from each district nominated by the Deputy Commissioner with reference to the education, social status, and loyalty of the man.

(11) For the present the representatives of each class should, in my opinion, be nominated by the Government. But as in the long run the system of election will have to be adopted, I would advocate the introduction of the reforms into the municipal and local boards, suggested in the Government of India letter, paragraph 22 (c). After this election has been adopted, I would suggest that the person selected by a class as its representative in the Provincial Council should be a man paying not less than Rs. 2,000 as land revenue or an income-tax on an income of not less than Rs. 10,000.

(12) For the present in this province as the appointment of separate Muhammadan representatives should be nomination. In case of an election I would suggest the formation of an electorate consisting of all who pay revenue not less than Rs. 1,000 in amount or income-tax on an income of Rs. 10,000 and of graduates of Indian University of more than five years, standing with an income of not less than Rs. 3,000 a year.

(13) For the reasons given in paragraph 23 of the Government of India letter I am in favour of the proposed alteration in the discussion of the Budgets.

(14) There is no reason why the privilege of the discussion of budgets should not be extended to this province. The system is popular in other provinces and takes the people with confidence and increases their faith in the proprietory of the expenditure. I would suggest discussion by separate heads as in the case of the Imperial Council.

(15) The privilege of interpellation is sometimes misused in those provinces where it exists at present. But if the other provinces are to have it there is no justification to deprive this province any longer.

FAZL KARIM,

Revenue Assistant.

Answers to the questions put forward by the Government of India in their letter no. 2310—2317, dated 24th August 1907.

I. (*1*) *Imperial Advisory Council.*—There is no doubt that the Imperial Advisory Council, as contemplated in paragraph 4 of the Government letter quoted above, will prove most useful to the public, and it is a policy which tends to show advisability and sagacity on the part

of the Government. By this proposal the Government will come in closer touch with the people and will get every information of the circumstances of every community and class of the country. It will, however, be productive of good effect on the hearts of the people, for such a policy must of necessity result in their welfare and usefulness, and also of more suitable means of diffusing correct information on public affairs being utilised, the more it will tend to avoid the erroneous and mischievous statements of fact and will bring together the rulers and the ruled to the determinate prosperity of both. Moreover, the method in itself would work as an estoppel to the actions of those men who endeavour to spread mischievous and false statements of fact among those classes who are either wholly illiterate or also have not benefited by the education that they have received. The inclusion of a larger number of the representatives of all communities as advisers and councillors than what were previously admitted into the council will be an inducement on a large footing to the public community for the development of civilisation, the best inferences of which could not be embodied in this brief answer. But it is respectfully laid down that if the members of the Imperial Advisory Council would expect and receive some power of honours, then on such an expectation of securing eminency they would leave no stone unturned in rendering active services to the benign Government. On the other hand, those men who value their time, and those who have engaged themselves to look after the benefit of the public in general, and whose advices and opinions owing to their being good and sound advisers, sagacious, and intelligent, can be benefitting both to the public and Government, can earnestly and voluntarily spare sufficient time of their own to perform the functions of the said membership. The other proposals regarding the said council as laid down in the Government of India letter, paragraphs 4 and 5, are most useful and advisable. For the present there seems to be no necessity to make any alterations in them until the country developes more and sufficient education being diffused among the inhabitants.

II. (2) *Provincial Advisory Councils.*—It is not necessary to discuss the second question at length, because the same answer can be given as that for question no. I above, because the proposed institution of the Provincial Advisory Councils will similarly prove beneficial. Moreover, in our humble opinion it will be practically more useful than even the Imperial Advisory Council on the following grounds:—(1) The zamindars hold a larger portion of the population of the country, but they have very little opportunities to reach the public officers, though they are not lacking in loyalty, rendering of service to Government, and their general knowledge of the country. By this proposal both the Government and the people will derive the benefit of their advice; (2) it is mostly intended by the Government that wider opportunities be given to acquire a full knowledge of the troubles and requirements of the country, and so the ruling power be brought about on a better principle, but the native ruling Chiefs and such other high and respectable men of rank or nobility have been considered as being able for election as members of the Imperial Advisory Council. They cannot, however, be said to be the representatives of the public in general who cannot seek intrusion upon them, and therefore they can safely be brought down within the category of being representatives of those who are men of upper rank. The persons proposed for selection as members of the Provincial Council can only be termed as representatives of all the public, and the latter can only have access to them, and their opinion only can be vouchsafed as the opinion of the public. No amendment is necessary to be made in paragraph 6, but it seems advisable to note here that like the suggestion made for the members of the Imperial Advisory Council for being given some powers or titles of rank, it will be a matter of great honour to bestow upon the members of the Provincial Advisory Council such honorific titles, etc.

(3) Up to the present the opinions of the residents of big towns and the persons representing them only have been chief sources of the advisory for the Government. But in this country the major portion of the population is distributed among the inhabitants of small country towns and villages. Thus no complete and useful means have so far been utilised to ascertain the requirements and circumstances of the villages or to take down their opinions. This council, however, will get rid of all such defects.

III. (3) *The Imperial Legislative Council.*—It will be more useful to enlarge the Imperial Legislative Council by increasing the number of its members. The result will doubtlessly be this, that the laws framed by such a council containing so large a number of able experts and men of different acquirements and high education will prove more instrumental and beneficial to the interests of the public in general.

With regard to the concluding portion of this question the number of the members of the said council, fixed at 54, is good numerically, but in our humble opinion it requires modification to the effect that the number of Muhammadan members should be 6 instead of 4 for the simple reason that the number of 4 is not sufficient on the following grounds:—

Firstly, excluding from the above number of 54 members the number 28 fixed for the official members, there remain 26, quarter of which should at least be represented by Muhammadans and this is equal to 6 seats; and, secondly, because keeping in view the other

qualifications, the election of a Muhammadan member is very difficult. That instead of the two Muhammadan members proposed in letter D (*d*), paragraph 12, of Government of India letter the number should be raised to 4 members; because on the strength of the Muhammadan population and their respectability the number 6 for the Muhammadans, or the quarter of the whole number of non-official members, is not excessive to keep the scales of justice evenly balanced. That the proposal for the inclusion of any native ruling Chiefs, whether they be Rajas or Nawabs, as laid down in letter (*c*) of the *supra* mentioned paragraph is unnecessary, although their inclusion in the Imperial Advisory Council is useful. The reasons are that the laws which will be framed by the Legislative Council are to be enforced in British India and therefore only those people can vote for them in whose territories the laws will get enforcement. Thus the ruling Chiefs in whose States these laws shall have no enforcement should get no consideration in the Legislative Council. This is because they can neither understand the necessity of these laws, nor the requirements and miseries of the people on whom the laws are to operate. Of course if a ruling Chief be desirous of enforcing the British laws into his State, then he is entitled to be elected as a member of the Legislative Council.

(4) The proposal made in paragraph 13 of the Government of India letter in regard to this question is in general sound and advisable. There should be at least one provincial member in the Imperial Legislative Council as a representative of each province.

V. (1) Certainly there should be elected one big land-holder of each province as a member of the Imperial Legislative Council, the usefulness of whose inclusion as such has been discussed in the above-mentioned paragraphs.

V. (2) Under the provisions laid down in paragraph 15 of the Government of India letter the land-holder member should be so selected that the Lieutenant-Governor should nominate him from the zamindar members of the Provincial Council or from His Excellency's own non-official members (zamindars). It would be a better mode of election, and if this proposal be not acceptable then the second mode of election would be that the zamindar members of the Provincial Council should select a man from among themselves, or they should select a man from such land-holders of the Punjab who could be considered able for electorate as a member of the Imperial Legislative Council owing to his being of a position to give a vote or who might be a man paying a fair portion of land revenue. But in all such cases it is specifically necessary in the case of the Punjab Province that the man paying land revenue of Rs. 5,000, or upwards, should be entitled to membership or to give a vote in the council, because if in the province of the Punjab the conditions of paying Rs. 10,000 land revenue would be applied, then it would be possible to procure such land-holders as being the representatives of their clan here on account of its being a poorer province than others.

(6) The Muhammadan members should be 6 instead of 4 as has been suggested in the answer to question 3 above; 4 to be appointed as mentioned in paragraph 12, clause D (*d*), of the Government of India letter, and 2 to be appointed by nomination as laid down in paragraph 12, clause (1). The selection of these 4 members should be made from the 6 Muhammadan electorates in the manner provided in paragraph 18 of the letter. But as for clause (*c*) we write to say that the right of giving votes should be given to those land-holders, who might have been paying Rs. 5,000, or upwards, of land revenue, and the election of these members should be vested with the three kinds of persons mentioned in clauses (*i*), (*b*) and (*c*) of paragraph 18, and it should be their discretion to make selections from their Muhammadan community.

IV. (7) *The Provincial Legislative Council of the Punjab.*—The number of the members of the Legislative Council of the Punjab should be increased to 26. The same benefits will be derived by the increased constituency as has been mentioned in the answers to the questions above.

(8) Some of the members should be nominated by the Lieutenant-Governor and others should be elected on the same principle as laid down for the Imperial Legislative Council above. But as for the nominated members it would be all-round beneficial if the Lieutenant-Governor would keep in view the taking down of the opinions of the district local officers, *i.e.*, Collectors and Commissioners of Divisions, *vide* rules laid down in rule 167, paragraph clauses (*i*), (*a*), (*b*), (*c*), and (*d*) of Act 17 of 1897.

The constituency of the Provincial Legislative Council should be so made that out of 26 there should be 14 official members, excluding the Lieutenant-Governor, and the selection for the remaining 12 non-official members should be made as follows :—6 Muhammadans, 3 Hindus, 2 Sikhs, and 1 Christian; because in the Punjab the Muhammadan population represents 53 per cent of the whole population. Therefore at least half the number should be filled in by Muhammadans. As to Sikhs they are not backward in any way from the Hindus, and even keeping in view their numerical strength they represent a fair proportion of the country, hence the number to be fixed for them should be 2. As for the Christians, if no appointment is made from this community, it cannot be said that they are represented.

Out of the 6 Muhammadan members we are of opinion that three should be brought on the list by the mode of election if the same might be made to continue, and the other three should be so brought by nomination.

(10) If the constituency of the membership as contemplated in answer to question no. 9 be accepted, then no member, in the first place, should be elected from the municipal committees, because the members representing them are more often the residents of towns, who would, however, be able to secure appointments on the strength of abundance of property or some other sources. Therefore the municipalities should be given no rights to send in their members under this head. Two members should be selected by the district boards. If this proposal be not desirable, then one member should be selected by the municipalities and one by the district boards. But this right of selection by the municipalities should be given in case the principle of selection of their representatives by all the municipalities in the Punjab is enforced in the manner that each of the communities of Muhammadans, Hindus, Sikhs, and Christians should have their selections separately, as is the case in Lahore, Amritsar, Multan, etc. If it be considered fit that one member be selected by the municipalities, one by the district boards, and three by nomination then the remaining one member should be elected by the following persons :—

(1) The landlords paying land revenue of Rs. 500, or upwards, yearly.

(2) The persons paying income-tax on an annual income of Rs. 2,000 or more.

(3) All barristers or graduates of five years' standing of whatever University of the English territories.

(11) The answer to this question has been amalgamated in the answers to the questions above. Certainly the people of every religion should have their respective titles to select their representatives. As for the municipalities and district boards the answer has been given above. Of course some votes should be given by such assemblies of the different sects who might be the true and admitted representatives of their tribes.

(12) The answer to question no. 12 has been given in the answers above. Of course the Muhammadans, Sikhs, and Christians must be given the right of separate representation, otherwise they will not get sufficient votes on the strength of population, but on political point of view and loyalty they form a very important faction of the subjects, and we are constrained to point this out as a result of our previous experiences.

(13) As proposed in paragraph 23 of Government of India letter there should be a free discussion on each separate head of the Budget.

(14) The Provincial Budget, which has not been the subject of free discussion, should in future be discussed freely. But instead of discussion on each separate head of the Budget it should be made on the Budget as a whole, as has been the practice in the Imperial Legislative Council, because it would not be advisable to open the question of free discussion of the Budget on each separate head until after the experience is gained by discussing the entire Budget at once.

(15) Answer to this question is in the affirmative, that is to say, that the right of questioning should be given to the members of the Punjab Legislative Council.

NOTE.— As for the election it is better, in our humble opinion, that the appointments should be made at first by way of nomination until such time people are more educated. On the contrary, if the mode of election is introduced the best method would be that practised by certain banks or committees in the election of their directors. It is that a complete list of all the voters is maintained in the head office. A date is fixed for the election and a form is sent at a proper time before that date to each of the voters, so that he might fill in the name of the person whom he considers fit as director in that form and to return the same to the head office before the date fixed. In this way the divisional head offices are also saved trouble of collecting the votes, as all the votes can be collected in one place only, and the risk of the utilisation of undue influences is more likely to be avoided. But the votes of Hindus, Muhammadans, Sikhs, and Christians should be separate and each of them should be furnished with a list showing the names of all the persons eligible for election as members of each of these classes, so that each religion should have an opportunity to give votes for its representative. Of course the Hindus, Sikhs, and Christians have their own choice to introduce some other measure of making selections for themselves and they can make their people to give votes on such methods as may be proposed by them.

True translation of the opinions of all the *zaildars*, *inamdars*, *lambardars*, and *raises* of the Sialkot District, who have sealed and signed the vernacular letter, enclosed in original.

SULTAN MUHAMMAD,
Barrister-at-Law.

No. 2858, dated 5th November 1907.

From—E. A. Estcourt, Esq., C.S., Deputy Commissioner, Gujranwala,

To—The Commissioner, Lahore Division.

With reference to your circular no. 233, dated Lahore, 5th October 1907, I have the honour to state that I have endeavoured to ascertain the views of some of the more prominent persons in the district on the points referred to in the Punjab Government letter, and copies of the correspondence were supplied to ten gentlemen. Out of these ten only five have been able to send a reply to me, and those with whom I have conversed have not been able to give any opinion of their own. The only question on which the majority of those consulted have been able to express a definite opinion is that dealing with nomination *versus* election. Nearly all are agreed that election will only lead to malpractices, further trouble, and will keep the best men from coming forward. I submit with this letter the replies I have received in original, and in particular refer you to the reply made on this question by Choudhri Hayat Muhammad, Honorary Magistrate and Zaildar of Wazirabad. I also submit herewith my own replies to the different questions on which opinions are desired.

E. A. ESCOURT,

Deputy Commissioner, Gujranwala.

Copy of a note dated 13th November 1907, recorded by E. A. Estcourt, Esq., Deputy Commissioner, Gujranwala, regarding the question of giving the people of India wider opportunities of expressing their views on administrative matters.

I. (1) While agreeing that Provincial Advisory Councils might serve a useful purpose I very much doubt if an Imperial Advisory Council would serve any useful purpose which cannot equally be served by the Imperial Legislative Council so long as the members of this latter council are so selected as to represent the varied interests throughout India. In nearly all cases matters which came before the Imperial Council would be connected with a particular province, or possibly two, and in such cases the views of the Provincial Council, could be put forward before the Governor-General or the head of the local administration as necessary. To call members from Burma to discuss matters connected with the Punjab could be of no practical use. The number of occasions on which it would be necessary to summon an Imperial Advisory Council to discuss matters connected with the whole of India would, I believe, be so rare as to make the council merely nominal.

II. (2) I believe a Provincial Advisory Council would serve a useful purpose. It has been suggested to me that a member for this council might be nominated for each district, but in this way I do not think the different interests would be sufficiently represented. There can be no doubt but that the selection should be by nomination, but it would also be necessary to see that other interests besides that of land proprietors and Muhammadans are fully represented.

III. (3) I have no modification to propose regarding the scheme for the enlargement of the Imperial Legislative Council.

(4) I agree with the proposals that one member should be elected by the Provincial Legislative Council.

(5) I agree that one of the great land-owners of the Province should be selected to the Imperial Council, but the selection should be absolutely by nomination. If by election, the electorate should be made to consist of only the very large land-owners who pay at least R5,000 land revenue annually.

(6) In no case do I agree with members being elected in the Punjab whether by Muhammadans or by any other class. If, however, it is thought necessary to have 18 elected members it would be well to have two of these Muhammadans, and I would suggest that one of these be elected by Muhammadan members of the Provincial Councils of Bengal, Eastern Bengal and Assam, for the United Provinces and the Punjab and for Bombay and Madras in rotation. I believe, however, that the excitement caused by these elections would do great harm, and it would be far better to nominate. I deprecate as many as four seats being filled by Muhammadans in the way indicated, and I would prefer the selection being left for the four nominated seats entirely to the Viceroy. It might well be that the number of Muhammadans selected under 12(2) B D (*a*) (*b*) and (*c*) will fully represent their interests without allotting them further seats under 12 (2) D (*d*) and should they not be adequately represented, it would always be possible to nominate them.

IV. (7) If the Provincial Legislative Council in the Punjab were materially increased it would be very difficult to arrange for an official majority. It would, however, I think be possible to nominate 6 officials in addition to His Honour the Lieutenant-Governor so that the council could be increased to 12, five of whom would be non-officials.

(8) All the unofficial seats should be filled by nomination, with the exception possibly of a member elected by the Chamber of Commerce, Punjab, but even in this case I think the member elected should be subject to the approval of the Lieutenant-Governor.

(9) The member of non-officials being so few I do not think any hard and fast rule could be laid down determining the proportion of seats to be held by each class. Presuming that there are five non-officials I would suggest that in addition to the member selected by the Chamber of Commerce one should represent the landed class, one should be a Muhammadan, one a Sikh and one a Hindu, but all should be nominated.

(10) If election is resorted to I do not think that municipal or district boards could be trusted with matter of election. The election should be specially qualified one composed of land-owners paying revenue of Rs. 5,000 or income-tax calculated on an income of Rs. 2,500.

(11) I do not advocate separate representation of classes beyond what I have indicated in no. (9).

(12) I do not think any further provision is required for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way.

V. (13) I see no harm in altering the system of discussing the Budget in the manner suggested beyond that of the probability of valuable time being lost without recompense.

(14) I think the system followed in the Imperial Legislative Council as regards the discussion of the Budget might well be followed in the Provincial Council.

(15) I regard the power of interpellation by members as a vey valuable privilege, and I certainly advocate extension to the Punjab Legislative Council. It would give the Government an opportunity to explain any course of action which has led to discontent in any quarter and while possibly doing good could do no harm.

From—B. Gulab Singh, Arora, Vice-President, Municipal Committee, Gujranwala,

To—The Deputy Commissioner, Gujranwala.

I. (1) *Imperial Advisory Council.*—I submit that such a council as defined in paragraph 5 of the Government of India's letter would not serve the purpose which is detailed in paragraph 4.

I do not lay great stress on its constitution. It may be any way, so long as the qualified persons are nominated, no matter to what class they belong to. But I would recommend that some legal status must be given to its functions, which should have some weight with the Imperial Council before any measure concerning the welfare and prosperity of the people are passed.

I am in favour of giving it some legislative recognition and would recommend that all matters should as of right be referred to it before they are finally adopted. The proceedings should not be private or confidential, as I do not believe that anything discussed in a council of 60 members can be kept confidential. The proceedings may or may not be published.

The belief of the Government of India that confidential communications will secure fresh interchange of opinion is no doubt true, but when the questions are to be discussed collectively the opinions cannot be kept confidential. I am, however, of opinion that everybody gives his opinion with caution and care when he his under the belief that it is open to *public criticism.* Besides, the matters which are to be referred to Advisory Councils will generally be such which will already be known to public and must have been discussed in the Press.

May own idea is that if legislative recognition is not given to such councils, they will have very little value in the eyes of the public.

The Government of India recognize that with the spread of education, the establishment of such councils is necessary, so I humbly submit that there should be some importance attached to such councils before they are acceptable to the public.

II. (2) *Provincial Advisory Councils.*—The same remarks apply to these councils.

III. (3) *Imperial Legislative Council.*—I do approve of the enlargement of Imperial Legislative Councils as detailed in paragraph 12 of the Government of India letter, but humbly submit that by reserving special seats for a certain community, though justified by the census figures, the Government is creating an impression in the minds of other communities that they are contemptuously regarded by the Government and thus create a sort of hatred

for them. It is just possible to give these things to Muhammadans if the Government is satisfied that they deserve the seats, but to make it law is most harmful. I would, therefore, request that the numbers proposed in D (*d*) and E might be left in the hands of all local Governments to send one representative from amongst the community they prefer and would thus increase the number from 6 to 7, *i.e.*, one for each province (the total being now 55). It may rest with the Government to issue orders demi-officially in favour of a special community until they are fully advanced. This will create no ill-feelings between different communities. This is beyond doubt that the best principle is to select best men. The Government's scheme of education was started for all communities at a time and if one has failed to avail of it the fault does not lie with the Government. So Muhammadans or any other community has no just claims to ask for special favours.

I am of opinion that by these favours a community rather looses than gains anything in the race of progress. But since these proposals are embodied, the other communities have been drawing different conclusions, and I submit that it is advisable for a foreign Government to keep all the races in confidence.

III. (4) I approve that the privilege of election of a non-official member to the Supreme Council be extended to the provinces mentioned in paragraph 13 of the letter.

(5) and (6) The answer to these questions is embodied in the answer to 3rd question. I am not in favour of class representation.

IV. (7) *The Provincial Legislative Council in the Punjab.*—I would increase the number from 9 to 18—officials 10 and non-officials 8.

(8) and (9) I would have the unofficial seats filled by the following method:—

(*a*) To be nominated by Government from Hindus, Sikhs, and Muhammadans.

(*b*) By election 5, seats from amongst the following :—

(1) Chamber of Commerce.

(2) Senate of University.

(3) Political Associates.

(4) English and Vernacular Press.

(5) Gruaduates of University.

(6) Zamindar's association.

(7) District boards.

(8) Municipal committees.

IV. (10) The election through all the above bodies is not difficult, except in the case of the municipal and district boards.

I would suggest that in the case of municipal committees the first class committees should exercise the privilege and then send their representatives, to hold a meeting in which a representative to the council should be elected.

In case of district boards each district board should send a representative for a meeting in the whole division and then divisional elect persons should elect a representative to the council. This will be very easy.

(11) and 12 I am not in favour of class representations.

V. (13) *Discussion of Budgets in the Provincial Council.*—I appove of the proposal to discuss the Budget in the manner suggested in paragraph 23.

(14) I would apply the same rule to the Provincial Budget and would have it discussed in the Provincial Council.

(15) I would introduce the right of interpellation by members in the Punjab Legislative Council as it exists in all other provinces, and there is no reason why the Punjab alone should be deprived of it.

Dated Gujranwala, 5th November 1907.

From—SHEIKH RAHIM BUKSH, Revenue Assistant, Gujranwala,

To—The Deputy Commissioner, Gujranwala.

I. (1) I am of opinion that the proposed Imperial Legislative Council will be of service to the country. Government have even now ample means of ascertaining the views of the people, but advisers officially recognised as such will have a sense of their responsibility, and their opinions will command the respect of both Government and the people. I have no alterations to suggest in the proposals made regarding the constitution and the duties of the council.

II. (2) I have no suggestiou to make regarding the Provincial Advisory Council. The numbers of members proposed for the Punjab seems to be suitable.

III. (3) I have no alterations to suggest on the proposed scheme regarding the enlargement of the Imperial Legislative Council.

III. (4) I see no objection to the election of a member of the Imperial Legislative Council by the Provincial Legislative Council. This privilege has been already enjoyed by some other provinces and may be extended to the Punjab.

III. (5) I approve of the selection of one of the great land-holders of this province to the Imperial Legislative Council. The system of election is, however, open to the objection mentioned in paragraph 15 of the Government of India letter. Moreover, as Muhammadans form the majority among the great land-holders, I doubt whether the Hindus and the Sikhs will approve of the system in the present case.

III. (6) I approve of the appointment of four Muhammadans to the Council as suggested in the Government of India letter. I think an electorate composed on the lines suggested in paragraph 18 of the Government of India letter will ensure the representation of the all important interests. I do not think there will be any difficulty in compiling a register of voters under paragraph 18 (*c*). All Muhammadans paying income-tax upon an annual income of Rs. 25,000 or classed as great land-holders may be given the previlege of voting under this clause.

IV. (7) The number of non-official members in the Provincial Legislative Council may be increased to the maximum limit compatible with maintenance of an official majority. I am not in a position to say what this limit is.

IV. (8) A few of the seats may be thrown open to electors. The will enable us to see how the system of election works in this province and will have the effect of training the people in this system.

IV. (9) As regards the appointments to be filled up by nomination, the local Government will see that all interests are proportionately represented. As regards appointments to be filled by election, each of the principal classes—Muhammadans, Hindus, and Sikhs—may be allotted some seats in proportion to its numerical strength and importance.

IV. (10) I do not approve of election through municipal and district boards. The electorate may consist of persons failling under categories (*b*) and (*c*) of paragraph 18 of the Government of India letter.

IV. (11) I have no changes to suggest in the constitution of municipal and district boards.

V. (12) Such a provision is unnecessary in view of what I have recorded in answer to question IV (9).

V. (13) No opinion.

V. (14) No opinion.

V. (15) Interpellations serve useful purpose by bringing to the notice of Government important matters affecting administration and by giving them an opportunity of removing misapprehensions and refuting misrepresentations.

RAHIM BAKSH,

Revenue Assistant.

Answers to questions from Karam Illahi Honorary Magistrate Ahmadnagar.

(1) An Imperial Advisory Council would be of service to the country and be a source of information as to the views held by the public. As regards clause (5) of paragraph 5 of Government of India letter, I beg to state that in the event of Imperial Advisory Council not being vested with formal power satisfactory results would not issue. Matters that might be referred to it as laid down in clause (6) should be decided according to the opinion of the majority. I fully approve of the suggestions made in the remaining clauses of the said paragraph.

(2) A Provincial Advisory Council would be a useful institution. I do not think there is any necessity of modifying the proposals made in paragraph 6 of the Government of India letter regarding its constitution and duties.

(3) and (4) I approve of the proposals made in questions (3) and (4).

(5) As a very small number of land-owners is educated, I would prefer nomination to election. The introduction of the elective system would be apt to lead to disputes and other defects. In electingmembers regard should be had to th e recommendations made by the higher authorities

of each province. The Governor a of province should form his opinion after calling for the reports from the Deputy Commissioners concerned.

(6) The members should be elected by the members of Provincial Councils according to the provisions of clause (*a*) of paragraph 18. This election would entail no inconvenience.

(7) The present number of members in the Provincial Legislative Council in the Punjab should be increased. I am, however, not yet prepared to express an opinion as to the limit of the increase.

(8) The system of nomination as compared with that of election would be better and more convenient. The introduction of elective system would be apt to give rise to disputes, etc., which it would perhaps be well nigh impossible to settle.

(9) I do not approve of the proposal that there should be a fixed rule determining the proportion of seats to be allotted to each class. In the Punjab there are several sections of menials such as those of sweepers, barbers, marasis, etc., which, according to their numerical strength (*lit.* census), can be treated as classes. Their election would seem to be the most unpleasant to the gentry. There should be no change in the present system unless education is widely spread among the masses.

(10) Having regard to the condition of the country the official members should be continued to be selected by nomination. Time has not yet arrived for the introduction of the elective system.

(11) I have answered this question in reply to question (9).

(12) Provision should be made for the separate representation of Muhammadans. I approve of the adoption of the form of the electorate suggested in paragraph 17 of the Government of India letter.

(13) I approve of the suggestion made in paragraph 23 of the Government of India letter regarding the discussion of the Budget.

(14) I advocate the discussion of the Provincial Budget by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

Answers from Chaudhuri Hayat Muhammad, Zildar and Honorary Magistrate, Wazirabad.

I. (1) An Imperial Advisory Council would be of service to the country. No alterations need be made in the proposals made in paragraph 5 regarding its constitution and duties.

(2) The remarks made in answer to question (1) also apply to Provincial Advisory Councils.

(3) I approve of an enlargement of the Imperial Legislative Council. The scheme sketched out in paragraph 12 of the Government of India letter need not be modified.

(4) It would be better if one member were elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter.

(5) I approve of the selection of one of the great land-owners of this province to the Imperial Council. In my opinion the proper method of his selection would be that he should be nominated by Government, for reasons which I will submit later on.

(6) In the interests of justice it is proper to appoint four Muhammadans to the Imperial Council. They should be selected by nomination for reasons which will be submitted at the conclusion of these replies.

(7) The number of members in the Punjab Provincial Council should be increased, and the total number of official and non-official members should be large enough to admit of one member being taken from each district. The principle regarding the representation of different classes should be the same as that proposed for the Imperial Council.

(8) The system of nomination is the most suitable, while that of election is defective for the following few reasons:—

(1) Reasons given in paragraph 17 of Government of India letter.

(2) Reason assigned in paragraph 15 of Government of India letter.

(3) All the classes of the people are not allowed to be represented. Indeed many classes remain altogether unrepresented, a fact admitted in paragraph 16 of the Government of India letter.

(4) The electorate try to get undue advantages by improper means from the elected members and often succeed in gaining their object.

(5) The candidates, and especially the more incompetent ones among them, secure their return by offering illegal gratifications to the voters and then recoup themselves by unfair means.

(6) Many elected members with a view to pleasing the electorate so as to secure their re-election in future so far from guarding the interest of the public do not care even for the interest of Government.

(7) Incompetent members are elected under the present system of election while capable men are defeated. This shows that the people of the province are incapable of electing able persons as their representatives.

(8) At the time of election there is an apprehension of a breach of the public peace and the police have to be called in to preserve order.

(9) Owing to the incapability of the electorate Government is very often compelled to withdraw the privilege of election so as to preclude the possibility of a breach of the public peace, etc.

(10) The fact that the office of zaildar is no longer allowed to be filled by election shows the undesirability of the system of election, which has already ruined many respectable zamindars, owing to their being compelled to incur undue expenses at the time of election for pleasing the voters. Ever since the discontinuance of the system the people live peaceably and (the zaildars) have begun to perform their duties in a satisfactory manner.

(11) The nominated members will assuredly be capable men, who will never be unmindful of the rights of either the Government or the public. Wherever members have been appointed by Government they have won the confidence of the people and have also given satisfaction to the Government.

(12) If the system of election were adhered to much time would be spent. Government would have to be put to diverse troubles, and unnecessary expenses would have to be incurred.

As regards the method of nomination, I beg to state that Government should, before nominating members, consult the Deputy Commissioner concerned in regard to the persons recommended by them, inasmuch as they (Deputy Commissioners) have full knowledge of the persons residing in their districts.

(9) There should be a fixed rule determining the proportion of seats to be alloted to each class. Generally speaking there are two classes in the Punjab, *i.e.*, the Hindus and the Muhammadans. Sikhs are included in the former class, and the number of Christians is very small.

(10) The system of nomination should conform to the suggestions made in answer to question 8.

(11) I disapprove of the suggestions made in (*a*) and (*b*) of paragraph 22, as I am in favour of the system of nomination. I approve of the principle of assigning a fixed proportion of seats to each of the various classes as laid down in (*c*) of the above paragraph.

(12) Provision should be made for the separate representation of Muhammadans by nomination.

(13) I approve the system of discussing the Budget in the Imperial Legislative Council being altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) I advocate the discussion of the Provincial Budget in the Punjab Legislative Council by separate heads.

(15) I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members as it affords an opportunity for removing misapprehension and doubts.

Answers to questions on which opinions are asked in connection with the Government of India letter no. 2310—2317, dated 24th August 1907, by Khan Dawan Khan Zaildar, Gujranwala.

(1) An Imperial Advisory Council would be of service to the country. I approve of the proposals made in clauses (1) and (2) of paragraph 5 of Government of India letter. As regards clause (3) there should be at least sixty members including ruling Chiefs whose members should be proportionate to population (*sic*). In electing these members it would seem desirable to have regard to their education and merit. These qualifications are essential in case of persons advising Government on administrative matters. In the case of zamindars regard should be paid to their social position, education, and to the fact that they are zamindars of old standing.

As regards clause (4) I am of opinion that such members should be appointed for three years. I approve of proposals made in clauses (5), (6) and (7).

(2) A Provincial Advisory Council would be a useful institution and the principles laid and the methods suggested in paragraph 6 of Government of India letter for purposes of connective deliberation would no doubt prove of great importance.

(3) It is desirable that the Imperial Legislative Council should be enlarged. With reference to clause (1) of paragraph 12 of Government of India letter, I am of opinion that the maximum strength of the council should be 56 instead of 54 as it seems necessary to elect two Sikh members also under D of the above mentioned paragraph, due regard being paid to the status of such members in the community to which they belong.

I approve of the proposals made in the rest of the clauses of the above paragraph.

(4) I approve of the proposals that one member should be elected by the Provincial Legislative Council.

(5) I approve of the selection of one of the great land-owners of this province to the Imperial Council. He should be selected by the following method:—

Each of the district boards in the Punjab should nominate its member. The members so nominated should select a great land-owner from themselves or from other persons to the Imperial Council.

(6) Four Muhammadans should be appointed to the Imperial Council and the election of two members should be made by the Muhammadan members of district boards on the lines suggested in answer to question (5).

(7) The number of the non-official members of the Provincial Legislative Council in the Punjab should not be less than ten.

(8) All of the unofficial seats should be filled by election.

(9) It is not necessary that each class should be represented in the Punjab. It would be sufficient to have the following classes represented as detailed below:—

Hindu land-owners	1
Sikh „	1
Muhammadan land-owners	3
Christian land-owners	1
University-nominees	1
Muhammadans belonging to the commercial class	1
Hindus belonging to the commercial class	1

(10) The Deputy Commissioner of each district should, in consultation with the district and municipal boards, select six members either from among the members of those bodies or from among the zamindars. The members thus selected should elect members. If this is not feasible, His Honour the Lieutenant-Governor should nominate members from among the selected members. It should be decided by the Deputy Commissioner in what proportion the said six members should be selected from each class.

(11) All classes need not be represented on the council.

(12) There should be separate representation of Muhammadans, who should be elected as suggested in paragraph 17 of the Government of India letter.

(13) The Budget in the Imperial Legislative Council should be discussed in the manner suggested in paragraph 23 of the Government of India letter.

(14) The Provincial Budget should also be discussed in the manner suggested in paragraph 23 of the Government of India letter.

(15) I approve of the introduction into the Punjab Legislative Council of the power of interpellation by members.

Opinion expressed by Lala Nihal Chand, Barrister-at-Law upon the subject of the proposed Advisory Councils Scheme.

Before I proceed to discuss the question as to the necessity for the establishment of the so-called *Advisory Councils,* I must take liberty to make a short survey of the intellectual and material condition of the people and the circumstances which have led to the present *unrest* in the country. I may, however, note *en passe* that my criticism of the Government measures, though strongly worded or conveyed in terms of language offensively presumptuous, is, nevertheless,

written in a spirit of honest conviction and with no other meaning or object than to help the Indian authorities to fully grasp and comprehend the situation. Sincerely grateful and exceedingly flattered as we all feel for the innumerable blessings and comforts of life which greet and surround us from all quarters of the compass, I cannot permit myself to flit on without re-echoing the universal opinion that the English people in India have failed to fulfil their mission—the mission of righteousness and justice which their national antecedents so strongly demanded, and which the civilized world so charitably expected. It is, however, admitted on all hands and no amount of official persuasion or partisan bigotry can controvert the fact, that the British Government in India, both socially and politically, is a foreign domination imported from a distance of several thousand miles for purposes of gain and selfish agrandisement, and if the *rulers* and the ruled, the master and the serviter now and then cross swords or meet hand to hand, the explanation is not far to seek. Western institutions and Western ideas of Government may not have suited the people of India two hundred years ago, but a question of active, political and intellectual training passionately pursued and successfully imparted has so modelled and shaped the Indian manners so completely changed and metamorphosed the Indian thought that traces of old life are hardly perceptible in the new *dramatis personæ*, so marked and tangible has been the progress, so distinct and panoramic the transformation and so demonstrative and pronounced has been the national awakening that the people may be said to be trembling at their own ferocity of zeal. The picture I have given may be slightly over-coloured or the premises I have established may be some what ill-arranged, but there cannot be any doubt, at least I am satisfactorily convinced that the conclusions are fully justified. The intellectual renaissance on the evolution of thought during the course of last fifty years has been so expanding and increasing its sphere of activity and power of influence that the peasant with his spade in the field and the *bania* with his pile of copper in the shop take as much pains and feel as much interest in collecting and greedily devouring the current political news of the day as the dirty brab at the street-corner with his pockets full of tops feels in the stake of his play. Even the indolent sun-dried, cross-legged votary of faith who only a century ago was mocking the stars in the flights of transcendental religion is now busily engaged in drawing analogies of Government from the English constitution and proclaiming from house tops doctrines or party shibboleths which his forefathers would have shuddered to listem much less to entertain. The Supreme Government cannot plead ignorance that the Indian Universities like their sister Universities of Europe are virtually the birth place the seed grounds for all that is noblest, highest, and truest in man, and the cartloads of intelligent though inexperienced youths turned out every year from these institutions carry midst their family circles and other relations hopes and aspirations which always precede and largely go to make a nation's character. This revolution in the mental enfranchisement of the people has been so rapid, so overwhelming, and so completely comprehensive that every big city in the empire hails with a news paper of some sort to assail the authorities and to pick holes in the administrative machinery of the Government. It may be conceded that some of these newspapers have no status whatever, no practical utility one way or the other, and that their existence and maintenance is carried on very much on the lines as a grocer has in view in the success of his shop of grocery, but no Sir Oracle is needed to inform us that these newspapers disseminate beliefs and propagate canons of faith in no way disagreeable to the higher interests and national aspirations of the people. In fact throughout the length and beeadth of India there are visible signs, inexhaustible memorials, that the spirit of the people is roused and that the feeling of national unity and national concord is steadily approaching the goal where artificial barriers of race and creed, of dress and languages, of superstition and prejudice must crumble down and be swept away in the universal enthusiasm of larger responsibilities and loftier duties. Whether this upheaval in the mental attitude of the people owes its origin to English education and freer and greater intercourse with English polities, or whether it is only a partial unfoldment in the universal process of the Law of Evolution I have neither time nor inclination to dwell upon. But I must state, and I state with all the seriousness and cogency of thought which the importance of the subject requires, that never in the past history of India nor for the matter of that in the history of any other subject race has such a strength of character, such a persitency of purpose been known to exist as that which now exists in the Press and the public utterances of India.

Twenty years ago there were no public meetings held in this province, and if ever a public meeting took place it confined and limited its attention and polemical energies to the discussion of controversial and doctrinal subjects relating mainly to religious and sometimes even to questions of social importance. Political meetings were a rare occurrence and the Government authorities therefore never came in collision with the people. To-day, however, every school-boy just weaned from his mother's breast is impatiently hot to vociferate and cry out his national wrongs to a willing audience and to denounce and taunt the British authorities with a choice vocabulary of political quotations specially called from the English platform—oratory and English platform literature—over the seas. India once the land of mystic dreamers and "passive unconcern;" the land which preached the doctrine of self-negation and self-forgetfulness; the land of few wants and much thinking; the land where death was renewed life, and life a second death, the land of the holy *Upanishads* and sublime esoteric occultism; that land under the influence and generous guidance of English thought and English civilization has reached a stage of intellectual and

political development in no way inferior to that enjoyed by her master's people. It is against this ever-widening volume of intelligent *anet* nascent force working in the country that the Government has been tempted, should I say provoked, to start and carry on a policy of repression and terrorism. I entertain a very high feeling of respect for the Supreme Government of India, and I doubt not that their accumulated experience, extending over a century and a half, is an ample guarantee that they cannot act or think wrong willingly and intentionally. But human experience is not always absolute or always mathematical, and every level-headed man, whether European or native, will agree with me that the policy of press prosecution is not only politically unsound and bad in principle but absolutely a wanton waste of time and public energy. By this I certainly do not mean that the horizon in India is frowningly dark or that heavy clouds charged with lightening and thunder are roaming all over the sky. But I do say and strongly maintain that there is a widespread agitation and feeling of unrest in the country, and that the policy of terrorism started by the Government to meet and counterbalance that agitation is not a satisfactory or a wise solution of the situation.

An alien ruling race, possesing wealth and material resources such as the British Government so abundantly and empathically possess, has both the power and the temptation to crush a subject race when the subject race misbehaves or the political exegencies of the country so require. This may have been done with impunity in the past when the subject race happened to be in a stage of doting imbecility or a scattered mass and conglomeration of half-naked savages living under conditions of life peculiar to themselves. But this cannot happen to-day. India is not only a civilised country with a literature and poetry which in their beauty of expression, elegance of diction, and nicety of thought have never been yet surpassed, but she posesses a code of morality and a system of religious philosophy so sublime and so majestic that even Kant's transcendentalism, with all his subjective and subconscious apparatus, has not been able to penetrate its depth of conception or equal its grandeur of wealth, not to say the mimicking rigmarole philosophers of of the latter-day generation, with a people such as these, boasting antecedents so superior and credentials, so worthy of respect, the present policy of wholesale repression so fiercely advocated is a political mistake of the gravest character and the sooner it is withdrawn the better it will prove both to the glory and renown of the British Nation and to the peace and contentment of the Indian people. At the same time it may be safely urged that the Indian people are not disloyal nor their religious instincts or political interests can ever permit them to go against the established Government, their platforms may ring with noisy declamations and trumpet forth all the sentiments of fear and resentment, their press may foam and fret with sound and fury and may invoke all the paraphernalia of heaven and earth to behold their misery and drudgery of life, but their hearts are sound and good and they feel that their destinies, linked as they are with the British nation can only reach their goal under British fosterage. To say that the people are seditious or that they are creating feelings of bitterness and hatred against the Government, is, to say the least, an abuse of language or process of thought, perversion which no true statesmanship could have allowed to be entertained, much less to be talked about and interrogated in council chambers. There may be a few noisy grasshoppers in the field hopping here and there and working mischief in the society. But are there not assassins and cut-throats in all systems of government? Do not social vampires and social bloodhounds pester and scourge the human race? The fact is that Government in a spirit of panic and nervous hastiness have been let to adopt a measure of policy which they themselves knew was hopelessly inefficient to check the swelling tide, but having taking their stand once they thought it unwise or unsafe to withdraw from it.

The Indian people by habit as also by religious teachings are the most peace-loving and law-abiding people ever known to exist on the face of this earth. They have never risen or gone against the *de facto* Government in the past and they are not likely to act as such in the future. They are sweet in disposition, docile in manners, charitable beyond all measure of comparison, and remarkably swift to appreciate and value kindness. They may be, however, wrong in their present aspirations and their political ambition—according to their critics, may be absurdly in excess of the wants and conditions of the society in which they move and in which their lot is cast. But they are the creatures, the product of circumstances which the British Government themselves have brought about to exist in the country, and if they want increased powers of association in the administrative machinery or closer touch and active share in the deliberations of the Supreme Council, they are not to be blamed for the mere asking, or the manner of asking. The Government are welcome to pass as many *Sedition Bills* as they think convenient, or send as many press agents to prison as they find necessary, but they cannot stem the advancing tide. They may stop the mouth from shouting, but they cannot stop the heart from beating. They can stop the press from writing, but they cannot stop the people from thinking. They themselves have raised the Frankenstein's Monster and if the Monster in the consciousness of his political deformity and political insufficiency of sympathy looking black or grinding his teeth to inflict severest retributions on the Government, the Government have only to thank themselves. We have reached a period of time or a stage of crisis in the history of India and it may have come to-morrow if not to-day, when foreign control and foreign subjugation lose both their charm of novelty and fear of strength, and there ought to be no difference of opinion, at

least intelligent public opinion, both here and in England, is fually agreed upon the point that to rule India, successfully and permanently, the British Government ought to conform their conduct and method of procedure to the increased vitality and volume of political knowledge existing in the country.

The recent partition of Bengal has brought into prominence a group of political leaders —a band of disinterested and high spirited workers whose voice is as powerfully reflected in the native press as it is enthusiastically and warmly followed in the country. These Indian nationalists, if I may so call them, are not intellectual pharises or political charlatans, as Government apologists are disposed to think, but men of substance and large means, men so eminently distinguished and so vastly superior that any country would feel proud to possess them and pay them due homage. They may be called *Moderates* or *Extremists*, but they are sailing in the same boat. They may be called *constitutionalists* or *unconstitutionalists*, but they are strongly impressed in their mind, as they are powerfully convinced in their deepest convictions that the present machinery of administration in the country is as much a vulgar anachronism to suit the wants and capacity of the people as it is pedantically automatic in the discharge of its various executive functions. Whether this accusation against the Government is well-founded or whether it is only an angry retort which a vanquished adversary always feels justified to fling against his powerful assailant, I would not say a word one way or the other. But I would be failing in my duty towards the people whose name I bear or towards the Government whose good reputation I seek, were I to shut my eyes over the congested mass of misery and poverty that so proudly and majestically stalks in our midst to distress humanity and vilify the *genus homo*. The *swadeshi* movement was perhaps the right beginning in the right direction to afford a suitable and convenient outlet both for empty hands and vacant mouths; had the movement been allowed to take its own course much of that surface discontent and racial jealousy which is now seething in the country would have remained deep buried and totally unheard. Every body feels sorry and I feel the more that Government, with all their solemn pronouncements and even occasional promises of help, should have been the first and foremost in the field to pulverise the movement and impede its onward progress. The executive authorities in Eastern Bengal, and, for the matter of that, in other parts of India, were so terrified and thrown out of balance at the success and rapid advancement of the *swadeshi* movement that they lost no time in frightening the people and accusing them of political misdeeds. Large numbers of prosecutions on most trivial and immaginary grounds were started and lodged before magistrates who had no other alternative but to convict and punish the *swadeshi wallas*. Innocent schoolboys and little deer, whose knowledge of the world had not travelled beyond the thresholds of their house doors, were ruthlessly handcuffed and marshalled in large numbers before courts of law with all the solemnity and show of procedure that honest and warm hearts must have bled to have witnessed the grand farce taking place in broad daylight and in teeth of the people's opposition. And all this fussing, this terrorising, this bullying business was done to teach people moderation in action : fine words ! But enough. British history and British administration in India has has many ugly and shameful incidents, but this *swadeshi* prosecution surpasses and beats all. After this the Indian people may well complain that the British Government is a foreign Bureaucracy established in India to enrich English coffers and that their boasted impartiality and pretensions to equal adjustment of rights is a sham quibbling of words without meaning or sense attached to them. The vehement opposition and determined front which the British Government have been showing and offering to the spread and growth of the *Swadeshi* movement is another and a demonastrative proof that they do not feel even as much for the poverty-ridden people of the country as an average shop-keeper feels in the maintenance and keep-up of his wares of merchandise. This is a bad state of things indeed; bad for the people whose hearts have been lacerated and whose young hopes have been crushed, and bad for the Government whose prestige has been attacked and whose good faith has been questioned. On the top of this come the plague, the pestilence, and the poverty, and we thank the shining stars, swimming in mid-air, and the four quarters of the globe and all that is above earth and below heavens that there is no fourth P. to alarm and startle us. Are the people still to be called and denounced as seditious ? Human patience has a limit of endurance; a degree and a measure of suffering beyond which even a worm would resent, and there ought to be no wonder that the Indian people have suffered beyond all endurance.

But let me proceed : people are no doubt submissive in their behaviour, but Indian people have never been heard to complain. The pestilence and plague have carried away thousands over thousands to a bourn from which no traveller returns, but India never stirred, not even a whisper was heard; fathers were bereft of their sons, wives of their husbands, brothers of their sisters, and village after village lost all that was dear or near in friendship or kinship, and yet no cry was raised. Death and misery and starvation all joined in league, and the scenes of pity and desolation we have been witnessing during the last 12 years defy all power of description. But the Government never came to our help. They never stirred an inch of ground to check the plague or prevent its recurrence. They did not propound a measure or started a scheme of reform that could have stopped the fearful mortality or enabled the people to escape contagion. This story is most painful, most inspiring and pitiable in the extreme, and no

civilized Government would have treated that subject people and fellow-creatures as the British Government have been treating their plague-stricken patients in the plague-stricken area. With resources so plentiful, with means so abundant, and with powers so extensive the Government have been doling out the same measure of sympathy and message of advice which some of the aborigines in the interior recesses of Africa dole out to a sick patient when they compassionately throw him in the river. There may be exaggeration of language, but there is no perversion of truth. People have died in the course of last 12 years by hundreds and thousands. Families have disappeared wholesale and house after house has been gathered to the majority. But Government never moved ! They introduced inoculation, but that dismayed and disheartened the populace. They never thought of building new villages on fresh sites or of raising provisional and temporary huts out side the city limits.

But I am travelling beyond the scope of my subject. I am, however, not inclined to mince matters. If plague has caused universallpanic, sparing neither young nor old, it has specially told on the poor, the out caste of society, the miserable wretch who has no clothes for his raiment nor food for his empty stomach. What plague has spared, poverty has carried; and this will go on till Heavens be propitious or till the Government feel compassionate. It is a matter for serious reflection and tell-tale story impeaching the stewardship of the British Government no less than their spirit of non chalant imbecility that nearly 70 millions or one-fourth of the inhabitants of India live their whole life upon the proceeds of charity collected by a process of house-door begging from morning till evening. These vast crowds of wandering multitudes, large enough to raise and embellish a prosperous Empire, carry on their precarious existence as if they were so many beasts of wood with no other clothing or bodily shelter than a hard piece of earth for their bed and the canopy of Heaven for their covering. Hard life it is, and yet it is half so bad as that of the other 70 millions who till the land and end their days in misery and abject poverty. The sturdy peasent with a swarthy visage and sinews, all swollen by toil and sweat, has been never known to taste more than one meal a day from year's end to year's end, coming in the world as unblessed as his exit from it is unmourned. I can go on quoting chapter and verse to support my allegations, but I think it will serve no useful purpose for our present controversy. The yearly visitations of plague and it is fearful ravages amongst the peasantry and the poorer classess of the people have caused universal consternation through the country. But the corrupt magistracy from top to bottom, coupled with a demoralised system of police supervision, have reduced the impoverished peasantry of this country to such a level of starvation and scantiness of means that language cannot adequately describe nor imagination can faithfully depict the horrors consequent on the insufficiency of food. My own experience confirms me in the belief that the process of land revenue collection and the police machinery of vigilance as also the incompetent and corrupt judiciary are the three principal causes of the wide-spread poverty that so devouringly attacks the lower strata of society in this country. It will take me long time more perhaps than I can reasonably afford to give or conveniently allot were I to enter into full details or were I to particularise the method and manner in which the sucking and pilfering business is carried on under the very nose of Government authorities. There is not a single revenue officer from the tahsildar down to the patwari and headman of the village, not a single police hobgoblin from the inspector of the circle down to the newly enrolled constable in the police force, not a single public servant from the full-fledged Extra Assistant Commissioner and first class Munsiff, drawing handsome salary to meet and satisfy all his earthly wants down to the process-serving peon and the court hanger, that does not in one way or other feed upon the decayed and tottering peasantry of the country. There may be honourable exceptions, but their number is so small and so insignificant that they are more ridiculed in their exclusion than cherished. This wave of corruption like a contagious disease has gone on so expanding and increasing that hardly a public department or Government office can now be said to be free from it. The Government may now connive at this huge sham, and possibly they are right in doing so, but they cannot escape responsibility. With these divergent intellectual and material forces so opposingly and antagonistically working in our midst the proposals of the Supreme Government to establish Advisory Councils of the type and character mentioned in their resolution under notice appear to me not only a huge mockery and a sham palliative but a whited sepulchre breeding but loathsome maggots and ugly worms. India is not only a country but a vast continent with clashing creed and clashing symbols, and any measure of reform or scheme of adjustment which directly or indirectly promotes and excites feelings of racial bitterness and racial jealousy must be considered as doomed to failure. The present measure of reform, though only tentative, possesses in its composition all the elements, all the ingredients of hatred and fear which of all others sought to have been avoided by a Government so enlightened and so sympathetic as that of British India. The policy which the Government of India have been following, ever since they took the management of the country in their own hands, in handling the political problems of India has always proceeded on the old motto of "divide and conquer," and it is a matter of surprise that in their establishment and constitution of the Advisory Councils, etc., they seem to be pursuing the same line of conduct. This policy has worked well in the past and our over-worked and over-fatigued rulers think that it will work as smoothly in the future. But they are sadly mistaken. India has greatly changed since the English came in this country and she will go on changing more. However it may be expedient

some times even absolutely necessary, for a governing race in the initial and preparatory stage of their rule to set on and pat one race against the other in the very interests and good behaviour of the society, but they have no right and no excuse to follow and enact the same policy when that society is permanently and firmly settled. If they still do it, they do it on their own peril,

The proposed measure, if carried in the shape and form it now possesses, will not only create further feelings of unrest amongst the educated and foremost classes of India, but it will do very little good to the "*stable element of society*" for whose benefit and apparent advantage it is meant to be devised. Before the English advent there was no tribal jealousy or tribal faction feeling in this country, neither there were courts of law to introduce perjury and party friction among the peasantry. The peasantry in this country are as poor as they are at daggers drawn against their own kith and kin, and there is not a village, not a single peasant settlement in the Land of the Five Rivers which can be said to be free from this curse. Their intellectual status, though still low, is sufficiently advanced enough to understand that these Advisory Councillors have neither means nor stimulus to comprehend their excluded position or advance their chances of life. The scheme is already before the country, and the small-holding proprietary body of this province is aware of the worthlessness and absolute inutility of the Advisory Councils.

The land-holding magnates and Chiefs of States which the Indian Government propose to put on the Advisory Councils will have no influence on the deliberations the Government nor their personal intelligence or personal character will carry any weight with the illiterate and impulsive masses of the people of this country. Their secluded life and social habits and their very limited sphere of activity are some of the features in their own composition which have no room for a doubt that their elevation on the council will be their degradation in the eyes of the people. They will excite ridicule and feelings of contempt among their own friends and relations as they will create irritation and violence of temper among the less favoured and less fortunate of small-holding *Jats.* In my humble opinion these gentlemen, the so much pick and choice of society, the "observed of all observers," the "synosure of every eye" with their new varnished boots and new set of Darbari clothes, will suit more or fit better the Show Rooms of a Continental museum or the Chamber of Horrors at Mde. Tussaud's than the State chambers of a representative assembly. You may as well give us a piece of string and two dozens of well dressed and well made dolls and then ask our opinion whether we like this Imperial arrangement or not as give us the Advisory Councillors. I confess we will prefer the former to the latter as it will afford our children better amusement and stop them creating *unrest* in the country. It may be suggested that this arrangement is only tentative, only experimental, and that better arrangements, better schemes will be introduced accordingly as we show capacity for work and intelligence to understand. I admit the force of this argument, but I cannot admit its applicability to the circumstances of the country. The people cry for bread and you give them stones. The people want more share, active touch in the administration of their country, and you give them instead pigment dolls. The people are more thirsting for power, for more Government posts, for more sympathy, and you treat them with kicks and volleys of abuses and then accuse them that they are creating sedition in the country and attacking the Government's prestige. These Advisory Councils may look very well on the paper, but they are not worth the price of the paper on which they are written. The Government may well feel proud that they have given a large concession to the demands of the people, but they cannot ignore the fact that these Advisory Councils will prove as useless for the needs of the country as they will be for that of the Government, but I am afraid the Government will carry their scheme of Advisory Council whether we like it or not. The Government will go on creating class distinctions, class prejudices between race and race, between Hindus and Muhammadans whether we approve of it or whether we disapprove of it. The Government in their wisdom think that the people of India are so many beasts of burden and Government cannot be wrong. Their Advisory Councils will dishearten the people by their incapacity and want of cohesion as they will embitter the feelings of the educated community by their servile attitude and indifference of behaviour. The district boards and municipal committes have failed and have only ended to widen the gulf already existing between the Government and the people. These Advisory Councils cannot secure or deserve a better fate. Their secret and private meetings with the executive authorities of the Government will create suspicion instead of inspering confidence. The people have no faith in such guilded tools, and this glittering gold put up and exhibited with so much show of ceremony and blast of trumpets is nothing but a brass metal covered with rust and soot. We will be much better without these ceremonial mimics of our aspirations than with their solid mass of ignorance.

All this time I have been urging destructive criticism against the Government proposals, I have my own constructive scheme and I hope it will suit the circumstances of the country and serve the Government's object as well. Instead of nominating members for the *Advisory Councils* direct through the executive agency I would adopt the following method as also increase the number of members according to the population and circumstances of the province concerned. My scheme, briefly stated, runs as follows :

In each tahsil of the district I would have the *zaildari circle* as the unit or measure of representation from each zaildari circle in the district. I would elect by votes two landed proprietors

and an equal number of *sahukars*. I will have the *zaildar of the circle* nominated as an *ex-officio* member in that particular unit. As for the body electorate I would empower the Hindu population of the *zaildari unit* to elect by votes their two Hindu candidates and a similar method I would adopt in respect of the land-holding community in the unit. I would at present allow no votes to the parasite community in the unit circle. They may possess voting qualifications, but they must wait till their time comes. All this machinery or business of election I would carry through the agency of a revenue officer not less than in rank than a third class magistrate. But this measure will be only tentative. So far there ought to be no inconvenience, well, when the election business is over in that particular tahsil, I would summon all these members including the *ex-officio* zaildars to the tahsil head-quarters under the presidentship of the acting tahsildar. My meaning will be plain as we proceed on. According to my proposal a tahsil will have as many members five times as there are zaildari circle. This will give us rather a large number of candidates than in fact we require. When therefore at the tahsil I would cut down the elected members to one-half of their number. This eliminating work I would also do by election. I would ask the Hindus to elect by votes one-half of their number and the same course I would follow in the case of landed candidates. In a tahsil of four zalidari circles the elected candidates, both Hindus and landed proprietors, will amount to 16 members, excluding the *ex-officio* zaildars. The tahsil election will give us, according to my arrangement, four Hindu members and as many landed candidates.

These eight members with the four zaildars, 12, I would send on to the district council under the presidentship of the district magistrate. I would adopt a similar method in other tahsils of the district and would direct them to make similar arrangements in the matter of voting, etc.

This arrangement will give us a large number of candidates. At the same time I would empower the district magistrate to nominate not more than ten persons from the elite and educated classes living in the city of the district.

When this programme is completed I would authorise the district magistrate to convene a meeting of the *district council* at least once a month. This will keep the district magistrate in touch with the people, etc.

Out of this large assembly of the district council I would elect one member for the so-called Advisory Council of the province. This is a rough sketch of my district council. Its details can be worked out.

Special facilities are provided in the proposals under discussion for giving a lift to the Muhammadans in the Supreme Council which is neither proper nor praiseworthy. I have already stated in this note that Government themselves are largely responsible for much of that unrest and discontent which still prevails in the country. Their reform measures and local schemes of whatever magnitude and importance always tend to fan up those religious and social feelings between a class and a class that a wise Government would rather prevent than encourage in the very interest of the country. Their present scheme allowing more seats to the Muhammadans in the Supreme Council is a stroke of pen of the same description and it may befool press agaitators or a class of people who is called penny-a-liner, it will not satisfy the volume of public opinion now existing in the country. But are the Government afraid of the Muhammadans, or is it because the Muhammadans are intellectually backward that these special provisions have been made in their behalf ? Or, are they more loyal and more obedient than the Hindus ? Whatever be the cause, or the causes, the Government in their treatment of the Hindu and Muhammadan question are stirring up feelings of race jealousy in the country which they will repent when repentance will not square the matters. The recent disturbances in the Eastern Bengal are a powerful commentary on the Muhammadan outbreak of fanaticism which could not have failed to impress the Government as to the part the Muhammadans are likely to play in the present scheme of re-organisation, or, should we say, as people are saying in other places, that because the Muhammadan fanaticism played such a valiant part in the Eastern Bengal disturbances that the Supreme Government have been pleased to give them more seats in the council than their merit or number deserves. We all deplore that two masters and preponderating communities the country should remain for over divided on political and social problems now seriously engaging the attention of the country, and also in their relations towards the Paramount Power. But we see no valid or sufficient reason, nor political wisdom for propounding and enacting a measure of reform which will further swell and increase the volume of antagonism and class hatred that already is producing painful and bad consequences in the country. I sympathise with the Government in their efforts to allay the unrest, but I seriously doubt whether they are sincerely anxious in their present reform measures to benefit the country.

There are other questions of considerable importance in the proposed measures of reform requiring attention and study. I should have given them a proper share of my attention and leisure, but I think it will be sheer waste of time. The Government all throughout their resolution in three or four places betray an anxiety for the maintenance of executive

prestige which cannot but convince the Indian people that the Government are not very serious in their present efforts. If the Supreme and local Legislative Councils are to be modelled and their work and manner of work executed on the lines sketched out by the Government in their resolution, the present proposals are only so much waste of paper and waste of thought. As long as the people have no share in the actual administration of the country or in the deliberations of the Supreme Council, the efforts of the Government will prove of no avail, and any reform measure short of what the people require or what their capacity demands cannot have any abiding effect on the present unrest in the country. But for the present the Government have carried that point. They have put forward their measures of reform, their tinsel reform, and the country is busily engaged in discussing its merits and demerits. Perhaps that is what the Government wanted and they have got it to their full satisfaction.

NIHAL CHAND,

Bar-at-law.

No. 379, dated Jullundur, 29th January 1908.

From—LIEUTENANT COLONEL H. S. P. DAVIES, Commissioner, Jullundur Division,

To—The Chief Secretary to Government, Punjab.

In continuation of this office letter no. 397-I., and endorsements, no. 3903 and no. 4158, dated respectively, the 2nd, 3rd, and 17th December 1907, I have the honour to forward a note by the Honourable Sardar Partab Singh of Kapurthala, containing an expression of his opinion on the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

H. S. P. DAVIES,

Commissioner, Jullundur Division.

Opinion on proposals made in Government of India letter of 24th August 1907.

I. *The Imperial Advisory Council.*—(1) The Imperial Advisory Council as sketched in paragraph 4 of Government of India letter is a need that cannot be supplied too soon. Hitherto almost all criticism of public questions, whether from platform or in the Council Chamber, has been betraying a certain amount of party tactics of the Opposition Bench, which spirit, it is evident, neutralizes the sense of responsibility and respect of authority which are at once the first condition of good citizenship and the basic foundation of a foreign Government in an oriental country.

As to the proposals about the constitution and functions of the council, embodied in paragraph 5 of Government of India letter, I have to propose one alteration or addition. Under the statement of *raison d'être* (paragraph 4, Government of India letter) it is said :—"and (the Imperial Advisory Council) to be used by him (the Governor-General) not only to draw out opinion on measures in contemplation, but also what is hardly less important as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government." From this it is evident that, besides other things, the position of an Imperial Councillor will be, to a certain extent, that of a middleman between the Government and the people. Again, in sub-paragraph (6), paragraph 5, it is said "that its (Imperial Advisory Council) functions should be purely advisory and that it should deal only with such matters as might be specifically referred to it from time to time." This, in my humble opinion, does not sound in concert with the statement of arguments quoted above from paragraph 4. You raise the responsibility of an Imperial Councillor from that of a mere passive adviser to that of an active middleman, by requring him to diffuse correct information among the public upon "the acts, intentions, etc., of the Government which may be calculated to be misunderstood or misinterpreted by them.

I, therefore, venture to suggest an amendment to sub-paragraph (6) of paragraph 5 (Government of India letter) to the following effect:—

> and any of its members will be at liberty to report to the Governor-General a particular state of public feeling with regard to a certain act or measure of the Government, individually, and ask for such information confidentially about any particular matter as may be desirable, and helping him in the discharge of his duties.

With this addition, I believe, the position of an Imperial Councillor will gain the colour of an active responsibility, and he will be enabled to perform his duties with much more competency.

II. *Provincial Advisory Councils.*—(2) With regard to this question I have nothing to add besides the foregoing proposal.

III. *Imperial Legislative Council.*—(3) Considering this question I feel inclined to suggest that having in view the importance of the Sikh community, which is a small minority not in all India but even in the Punjab, separate representation for them should be provided in the Imperial Legislative Council, *i.e.*, one Sikh should be nominated by the Punjab Government to the Supreme Legislative Council. The position of Sikhs in point of education, &c., is on a par with that of the Muhammadans, while, on the other hand, the fact of their supplying the major portion of His Majesty's Indian Army makes out a strong case in their favour.

(4) With respect to the matter that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of Government of India letter, I would suggest that so far as Punjab is concerned it may be modified thus:—that this member be nominated by the local Government out of the non-official members of the local Legislative Council who have held a seat therein for one year. The state of our Province leads me to make the above suggestion.

(5) As to the election of one of the great land-holders of this Province to the Imperial Legislative Council, I am strongly in favour of the proposal. This will satisfy the agricultural classes and save them from the hands of agitators who are always on the look out to poison their minds.

In consideration of this agrarian electorate, I think that it can be worked on some such lines as roughly sketched below:—

All land-holders paying land revenue not less than Rs. 1,000 in each division elect three voters from among themselves, who will elect a land-holder paying land revenue not less than Rs. 5,000 for the Imperial Legislative Council. This will constitute a workable electorate and will bring about that substantial satisfaction and gratification among the agricultural communities of the Province, which is so much desired.

(6) If four seats be specially reserved for Muhammadans in the Imperial Legislative Council, I would suggest that 2 which are to be filled by election be filled by those elected by non-official Muhammadan members of Provincial Legislative Councils in the country.

IV. *The Provincial Legislative Council in the Punjab.*—(7) I would not advocate an increase in its present *personnel* from a general point of view.

(8) I would stick to the present system of nomination so far as the general aspect of the question is concerned.

(9) I would suggest that if an enlargement be agreed upon, separate representation should be allowed to the Sikh and Hindu communities in the Punjab. Numerically speaking, Punjab is a Muhammadan Province. According to Punjab Government letter under reply, paragraph 8, percentage of Sikhs to the total population is 7·5 and that of Hindus is 38·8, while Muhammadans constitute 53·3 per cent. While Muhammadan minority in India has been allowed separate representation in case of the Imperial Legislative Council, there is no reason why the Sikh and Hindu minorities should not be favoured in the same way in case of the Punjab Legislative Council.

(10) In case of nomination being substituted by election, I suggest that about half the number be returned by the electorate suggested in (1) and the latter half by that suggested in (2) of paragraph 17, Government of India letter.

(11) I have already expressed my views on this subject.

(12) Ditto ditto ditto.

V. *Discussion of the Budget in the Legislative Council.*—(13) I consider that the alterations in the manner of discussing the annual Budget in the Imperial Legislative Council as suggested in paragraph 23 of Government of India letter will prove of more practical advantage.

(14) I consider that the Provincial Budget should be discussed in the Punjab Legislative Council on the same lines as the Indian Budget is to be discussed, under modified rules, in the Imperial Legislative Council, that is, under separate heads.

(15) I am of opinion that time has now come to advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

No. 273-G., dated Rohtak, the 19th December 1907.

From—MAJOR A. E. BARTON, Deputy Commissioner, Rohtak District,

To—The Commissioner, Delhi Division.

I regret that the reply to your circular no. 215 of 23rd October 1907 has been so delayed but I did not know that Captain Coldstream had left it over. The opinions of those who have been consulted on the subject of Advisory Councils are as follows:—*seriatim* reply to the printed list of 15 questions sent for opinion:—

(1) An Imperial Advisory Council would be of service to the country. The general opinion seems to be that its proceedings should not be confidential but public.

(2) Yes, and no modification required.

(3) Enlargement of the Imperial Legislative Council is generally considered desirable.

(4) Yes.

(5) Yes, by nomination by Government.

(6) Yes, elected members to be elected by the Muhammadan members of the Provincial Legislative Council.

(7) Yes, increase to 13 members, or, at least, equal to other provinces.

(8) Unofficial seats should be filled by election.

(9) Representation by class is advisable, and could be Hindus, Sikhs, Muhammadans, Universities and educated classes, and the commercial class.

(10) Election through municipal and district boards, and on the lines mentioned in paragraph 22 (*b*) of the Government of India letter.

(11) Yes, separate representation of classes.

(12) No separate provision necessary.

(13) The system of discussion of the Budget proposed in paragraph 23 meets with universal favour.

(14) Yes.

(15) Yes.

The above represents the views of the majority who have been consulted in this district.

A. E. BARTON,
Deputy Commissioner.

Commissioner's Office, Delhi Division, no. 284-M.Z.A. (Home-Legislative), dated Delhi, the 23rd December 1907.

Copy of the foregoing with Deputy Commissioner, Gurgaon's, letter no. 367, dated 19th December 1907, and original enclosures, submitted to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to Government, Punjab, for information in continuation of this office letter no. 278, dated 21st November 1907.

A. MEREDITH,
Commissioner, Delhi Division.

No. 367, dated 19th December 1907.

From—H. E. A. WAKEFIELD, Esq., Deputy Commissioner, Gurgaon,

To—The Commissioner, Delhi Division.

With reference to Chief Secretary's no. 2643-S., dated the 27th September 1907, and your endorsement no. 215, dated the 2nd October 1907, I have the honour to enclose the following opinions from officials and others to whom the letter under reply was sent by my predecessor.

(1) Settlement officer and assistant Settlement officer, Gurgaon.

(2) Members of the Bar.

(3) Revd. F. W. Hale, B.M.S., Palwal.

(4) Lala Ramji Dass, Tahsildar, Nuh.

(5) Pundit Badri Pershad, Tahsildar, Ferozepore, and others.

(6) Lala Makhan Lal, Honorary Magistrate, Rewari.

(7) Muhammad, Saraj-ud-din Haider Khan, Jagirdar, Farukhnagar.

(8) Municipal Committee, Sohna.

(9) Municipal Committee, Farukhnagar.

(10) Municipal Committee, Palwal.

(11) Lala Kashi Nath, Tahsildar, Rewari.

(2) My own opinion is as follows :—

I. (1) I think it will be of service, and that the experiment is worth trying, because although it will be far above the heads of the masses in their present state of education, it will satisfy the more moderate of many influential and leading persons whom others are trying to persuade that an alien rule must be an unjust and selfish rule. This from the political stand point. From the standpoint of assistance to the Government it may give some assistance now and more in the future although, as has been pointed out by Mr. Boughey, there are other means of ascertaining the views of the people. I think, however, that it may be fairly said that in the past there are evidences of a tendency for the views of the people to be obscured by the views of strong minded officials with a bias towards the importation of Western methods more rapidly than the condition of the people warrants. This is the result of systematically collecting the views of the people through a chain of officials. From the proposed council views supposed to represent the views of the people will come direct and the chain of officials can still be used in order to check the statements of councillors.

As an agency for the diffusion of correct information upon the acts, intentions, and object of Government, the proposed council may gradually become useful, but at present the people *en masse* judge strictly by results and the officials of districts can do more than a few leading men of the people towards obtaining this end. In Native States the case is different. The councillor, if he chose to exert himself in that direction, could forward the object in view materially, but then in Native States the people know little and care less about the intentions, etc., of the British Government, except when they compare their own position with that of people in British territory. Their rulers take the keenest interest in this matter, the old school, at present, because they are jealous of all privileges and dread interference, and some of the new school, for example, the Raja of Nahan, because they desire to improve their administration on British lines.

I suggest no alteration in the proposals made in paragraph 5 regarding the constitution and duties of the Imperial Advisory Council. Except that with reference to the latter part of paragraph 5 (7), I consider it would be preferable to publish selected portions of the proceedings at the ordinary meetings with the consent of the particular members whose opinion may be quoted. I can see no object in holding special public meetings as well as private meetings on the same subject as the present educated public would have no confidence in them. I would, however, provide for holding public meetings when the subject was wholly suitable.

II. (2) I apply my remarks above on the probable usefulness of an Imperial Advisory Council equally to the proposed Provincial Advisory Council, and suggest no modification to the proposed constitution and duties.

III. (3) I approve of the proposed enlargement of the Imperial Legislative Council and suggest no modifications of the scheme sketched in paragraph 12 of the Government of India letter.

(4) Yes. With reference to paragraph 14 of the Government of India letter, Rs. 10,000 is probably too high for the Punjab. Also for the present it would be as well to stipulate that the member elected should be a member of an agricultural tribe if the landholders are to be taken as a "class".

(5) Yes. I am of opinion that the alternative that the land-holding members of the Provincial Council should elect to the Imperial Council is much the better. I consider that the objections stated to election by a number of nominated landholders are fatal under present conditions.

(6) I suggest no alteration in the proposal, and prefer the system of election by the Muhammadan members of the Provincial Councils.

IV. (7) I would increase the number to 10 to begin with and later to 15 provided that can be done and still maintain the official majority.

(8) I would nominate because I consider that no satisfactory system of election for such work can be devised in the present state of the country.

(9) I advocate no fixed rule but that the local Government should determine from time to time the classes to be represented and the number of members allotted to each. Tentatively, I should suggest two to represent agriculturists, one Hindu and one Muhammadan. One Hindu to represent the money-lending class, one merchant, Parsi, Hindu, or Muhammadan, and one professional man, doctor, barrister, or engineer. This would entail a council of eleven. If the council could be enlarged to 15 or 20 particular classes, such as Sikhs and others, it could be specially represented; but I do not consider that this is necessary at present in a Legislative Council though most advisable in an Advisory Council.

(10) The information given in paragraph 9 of the Government of India letter shows that the result of election hitherto has been that the members have been practically self-elected because the people at large do not take sufficient interest in public affairs. The remedy which I propose if there is to be election is that the Government through the district officers should nominate a large number of electors from every class in proportion to the interests as well as to the numerical strength of each class. These men can be so chosen that it will hardly be possible to cavil at them.

It is not difficult for district officers to find men thoroughly representative of their community and with the interest of their communities at heart. They will sometimes be members of local bodies and sometimes not. This would be better than utilizing either district boards or municipal committees. The district board members are too wholly representative of agriculturists, and the municipal committees contain many unsuitable members.

(11) Paragraph 22 (*a*) of the Government of India. I consider this to be an excellent proposal.

(22) (*b*). Yes.

(22) (*c*). Yes ; I agree to these proposals. I would prefer to leave the choice of the alternative described in the latter part of paragraph 22 (*c*) to the Deputy Commissioner. The caste basis may be useful in one locality and a basis of four classes mentioned in another. I would not insist on the "literate" qualification yet in the case of land holding electors.

(12) Paragraph 17 of the Government of India letter. I would prefer to fix a number of Muhammadan seats and make up by nomination when these were not filled by election as being a simple and effective plan, but if the system proposed in paragraph 17 is carried out as regards 17 (1), (2), and (3) I think (2) is much too wide. I would raise the qualification to Rs. 2,500 and lower gradually in the distant future if deemed advisable. The Rs. 1,000 qualification would include a large proportion of persons who would be influenced by considerations other than the public interest, and I doubt whether the classes mentioned in (1), (2), and (3) will work together and return a really representative candidate. I would, therefore, allow each class (1), (2), and (3) to elect a candidate and nominate out of the three elected except when there are three Muhammadan seats for election when each elected member would get one.

V. (13) Yes.

(14.) I think this would be an advantage, in so far as it would give the members an opportunity of bringing forward their views as to the need of expenditure on particular objects, but perhaps this object would be better obtained in the proposed Advisory Council. I consider that discussion by separate heads is advisable as well as an opportunity of comparison of total expenditure on different objects.

(15) No ; except with reference to any subject before the council.

H. E. A. WAKEFIELD,

Deputy Commissioner, Gurgaon.

Copy of an opinion dated 29th October 1907, recorded by B. T. Gibson, Esq., B.A., I.C.S., Settlement Officer, Gurgaon.

I. (1) Such a council might be of service (though this is, I think, rather problematical) and could do no harm. I have no alterations to suggest in the proposals made in paragraph 5 of the Government of India letter.

II. (2) I think a Provincial Advisory Council would be useful as it is important that Government before undertaking any measures should have full knowledge of the opinions of the various communities affected, and should be able to ascertain those opinions direct and benefit by their advice. I have no modifications to suggest.

III. (3) I think the enlargement of the Imperial Legislative Council would be a step in the direction of progress. The scheme sketched out in paragraph 12 seems suitable.

(4) The proposal is that one member should be elected by and from the non-official members of the Provincial Legislative Council. I approve.

(5) I think that one of the great land holders should be appoined to the Imperial Council. I think that the best method of selection would be nomination by the Lieutenant-Governor from qualified candidates. The qualification should be the payment of a certain amount of land revenue, *e.g.*, Rs. 5,000 as suggested in paragraph 5 of the Punjab Government letter.

(6) I approve of the appointment of 4 Muhammadans as suggested under heads D (*d*) and E of paragraph 12 of the Government of India letter.

I think that election by some such electorate as that described in paragraph 18 of the letter is preferable to election by the very small electorate constituted by the Muhammadan members of the Provincial Council.

IV. (7) I would advocate an increase, but have not sufficient experience to give an opinion as to what figure.

(8) A combination of nomination and election would I think be best; highly educated communities, *e.g.*, the commercial and legal communities, the Senate of the University, should elect their representatives, while less highly educated communities, *e.g.*, agriculturalists, Hindus, Sikhs, Muhammadans (as a body) should be represented by nomination.

(9) (11) I have not sufficient experience to enable me to offer an opinion on these questions.

(12) I would advocate nomination.

V. (13) and (14) I have no opinion to offer.

(15) Yes. I think this is a necessary corrolary of enlarging the basis of the legislative. I regret that inexperience prevents me from giving fuller answers to the questions forwarded.

Copy of the opinion recorded by G. M. Boughey, Es., B.A., I.C.S., Assistant Settlement Officer, Gurgaon, on 19th October 1907.

With only a very limited experience I have naturally little, if anything, to say upon the important questions sent down for opinion, and I am not attempting to give definite answers to all the questions.

I have grave doubts as to the advisability of an Imperial Advisory Council. The Government of India point out that this is in accordance with old established ideas of oriental policy, but it must be remembered that in those times there was no press to enable the ruler to see at once what would be the attitude of the various communities upon important questions. Now a days every community publishes one or more papers and the Advisory Council members would (if the press represents the wishes of their community) merely put forward views which the Government can find out for themselves without any ponderous machinery and still more without any suspicion of nominating a person not in accord with the real spirit of the community. If the press admittedly does not represent the wishes of any community that is surely a matter for legislation, possibly temporary but certainly strong enough to make it clear that if newspapers are going to take up politics they must take them up from the standpoint of their community, and that their community must be bound and judged by the tone of its press.

The case for a Provincial Advisory Council seems to be a little stronger, but I am opposed to this also. The Provincial Government has to deal with details affecting a community over a (comparatively) limited area, and often the broad lines of a policy may be agreed on, but the details may be the subject of very different opinion. I do not think that when important questions of policy affecting various communities are going to be undertaken it is eminently that the local Government itself should consult, quite informally, the persons who are at the head of those communities. They should be consulted upon the details of working as well as upon the broad line of policy, and their views should be forwarded by the local Government to the Government of India to assist the latter in framing its broad policy and to show how far details would have to be left to the various Provincial Governments. At present the Govermnent of India are too inclined to insist upon uniformity of procedure throughout the whole of India although prejudices of the same religious community often differ widely in different parts. To this limited extent I think consultation is advisable, as in these cases press criticism can only come after the publication of details, and what the Provincial Government wants is something to show how a proposed measure will be taken by the communities within a province.

On III. (3) and (4) I have nothing to say; as to (5) it would seem best and simplest surely to arrange a satisfactory electorate for the Provincial Council, who would elect a certain number of representatives. Out of these one should be nominated by the Viceroy to the Imperial Legislative Council and the vacancy on the Provincial Council should be filled up by election as before.

On (6) I prefer the plan of election by the Muhammadan members of the Provincial Council only.

IV. As regards the Punjab if the province is to be represented on the Imperial Council I think it is essential that there should be election to a certain number of posts. I would have the number of seats fixed by the local Government. As to proportions I have not sufficient experience. On the vexed question of the representation of the legal profession I would suggest that an even number of seats be reserved for members of the bar of the local, High, or Chief

Court residing and practising in the capital; Hindus and Muhammadans to divide the seats between them, and lawyers not to be otherwise eligible. I admit the importance of the profession, and in a Legislative Council the presence of a certain number of trained lawyers is a *sine quâ non*, but local interests at present suffer from an undue preponderance in this direction and this accounts for the results of the election by municipal committee and district boards commended on in the Government of India letter. The proposals in paragraph 22 seem suitable, and the electorate sketched in paragraph 17 is also good.

V. I have no opinion to offer.

Dated Gurgaon, the 22nd November 1907.

From—DHANI RAM, B.A., LL.B., Pleader, Secretary, Bar Association, Gurgaon.

To—The Deputy Commissioner, Gurgaon.

After duly considering the matter and going through all the papers concerning thereto, the opinion of the Bar members and certain other gentlemen consulted in this behalf is given below in reply to each of the questions set up by the Punjab Government in their letter no. 2643-S. (Home-Legislative), dated the 27th September 1907. The reply to each question is given *seriatim*.

DHANI RAM,

Secretary Bar Association Gurgaon.

I. (1) We do not consider that the Imperial Advisory Council chosen on the lines sketched out in paragraph 4 of the Government of India letter no. 2310—2317, dated 24th August 1907, would be of any practical service to the country. No Advisory Council can be of any use to the country unless it is organised on the principles of general and free election and has a voice in the deliberations of the Government in the same manner and to the same extent as the members of the Legislative Council. Otherwise it is only a name without any practical significance.

II. (2) We submit the same reply to this question as that given to the first.

III. (3) The enlargement of the Imperial Legislative Council is proper and desirable, but there should be no class or racial distinctions in the appointment of its members; the principles of free election according to the free choice of the electors, which are quite natural and wholesome modes of organising an able and worthy council, should be had a recourse to. We cannot approve of the scheme sketched out in paragraph 12 of the letter which gives an exorbitant power of appointment to the Governmemt. Under that scheme the Government can nominate 29 members under clauses A, B, and C, and 6 under clauses E and F *i.e.*, out of 53 members 35 are the nominees of the Government itself. The 2 members elected under clause D(*a*) will also in all probability be Europeans. So an enormous majority of 37 members will in almost all cases side with the Government.

(4) Yes.

(5) The land-holders should, in our opinion, be given the power to elect one member from each province as specified in paragraph 12 D (*c*); but they should not be obliged to elect a member of their own class but should not be given a free choice to elect any one whether of their class or not, when they may think fit.

(6) We do not approve of the appointment of 4 Muhammadans under clause D (*d*) and E of paragraph 12 of the letter. Such a proposal is quite arbitrary and is calculated to give an undue preference to the Muhammadans to the prejudice and dissatisfaction of other races and creeds. It is quite possible that the 14 members elected under sub-clauses (*b*) and (*c*) of clause D of the aforesaid paragraph would include a due proportion of Muhammadans and also the Government would nominate some Muhammadan officials under clause B. Such being the case there is no necessity of an invidious distinction to be made in specially reserving 4 seats for Muhammadans while no special provision is made for other races and creeds.

IV. (7) The present number of the members of the Punjab Legislative Council is, in our opinion, much too small. We would, therefore, advocate that it may be raised to 20 to represent all classes and interests.

(8) We advocate the system of free election, and the un-official seats at least must in our opinion be filled up by election.

(9) In either case there should, in our opinion, be no class distinction. should, however, there be any necessity for class representations, then all the classes should be represented in accordance with their numerical strength, which is a wholesome rule in every case.

(10) We think that besides the municipal and district boards the right of election should be extended to the Punjab University, the Punjab Provincial Association, Lahore, the Chamber of Commerce, Delhi, and some landholders' associations, which will have to be constituted if the district boards, which are chiefly constituted of landholders, are not deemed enough to represent territorial interest.

(11) We do not think that class and race distinction in the representations is desirable and therefore no opinion can be given therein. The present constitution of the municipal and district boards is good and reasonable in our opinion, and therefore we advocate no alterations therein.

(12) No special provision for special representation of Muhammadans is needed and therefore we do not approve of the suggestion.

V. (13) Yes, and agree with the suggestion made in paragraph 23 of the letter.

(14) Yes, we approve of the suggestion.

(15) Yes, the want of such a power has been keenly felt on several occasions.

DHANI RAM, B.A., LL.B.,
Pleader, Gurgaon.

NOTE.—Maulvi Barkat Ali, pleader, has dissented from this note. The pleaders who have agreed to it have signed it, others were not present.—DHANI RAM.

DHANI RAM, B.A., LL.B.,
Pleader, Secretary, Bar Association.

LEKHRAJ, B.A.,
Vakil, High Court, U. P.,
and Pleader, Chief Court, Punjab, Gurgaon.

HAIT RAM,
Pleader.

CHANDU LAL,
Pleader.

MAKHAN LAL,
Mukhtear.

Dated Palwal, 8th November 1907.

From—G. W. HALE, B.M.S., Palwal (Gurgan),

To—The Deputy Commissioner, Gurgaon.

Answers to question in 2310—2317, dated 24th August 1907.

I. Yes, I think in the long run it should be..

No, I suggest no alterations to paragraph 5.

II. Answer as in I.

III. (3) and (4) Yes.

(5) Yes.

I agree that as things are nomination would probably be the method of selection most satisfactory. But as in this scheme it is evidently the intention of Government to make these councils representative as far as possible by popular vote, so I should favour the alternative of election by land-owning members of Provincial Councils as in paragraph 15.

N.B.—In my opinion these measures would be purely experimental and educative.

I think some such measures are necessary if only in response to the increasing demands of public opinion at Home for something of the kind in India, and this scheme on the whole commends itself to me not so much because of what it may achieve, as that it concedes more in the way of "representation" than the people, nor any sections of the people, are able intelligently to avail themselves of without playing unduly into the hands of the "educated class" who clamour most for representation, but who do not and cannot represent the masses of India.

(6) Special legislation and over-representation have not helped the Muhammadan communities; it is a question if it does not hasten their degeneration. The sympathies of Englishmen in India are naturally with these communities, but they are being left hopelessly behind, and will be until they to try find their feet and help themselves. I do not favour *class* representation by election. I prefer Government nomination if the best men are to be secured.

(7) Yes; subject to the considerations in Note under I and II.

(8) Yes, some by election.

(9) I should say have nothing whatever to do with "caste" as caste and as little "class representation" as possible. The attempt should be made to register house-holders as voters, and to make village *panchayats*, and the existing municipal committees really representative of all classes. These *panchayats* and councils should be granted a large measure of local government; from a beginning like this, representation on district and provincial councils could be easily evolved.

(10) Yes. By post, under registered cover.

(11) No.

(12) Preferably by nomination.

If by election the method in paragraph 17 reads alright. But I do not *favour* class representation in any case.

V. (13), (14), (15). I am not sufficiently well informed to be able to hazard an opinion of any possible value.

Extract of opinion given by Lala Ramji Dass, Tahsildar, Nuh, regarding Advisory Council.

(1) Yes, the proposal made in paragraph 5 regarding its constitution and duties are alright and needs no alteration.

(2) Replies in affirmative, and approves of the proposals for its constitution and duties.

(3) The enlargement of the Imperial Council is very feasible. The proposals contained in paragraph 12 of Government of India's letter are reasonable but with regard to clause (*e*) he thinks that the condition that at least there should be 2 Muhammadans may better be omitted so that one from each community, *viz.*, one Hindu, one Muhammadan, one Sikh, and one other, can be nominated.

(4) Yes.

(5) Yes. If the selection be made by nomination it would be the best way.

(6) It is very advisable that two members ought to be elected from among the Muhammadans and their electorates should be such persons as mentioned in paragraph 18 of the Government letter. The number of the nominated members should not be restricted to the Muhammadans as this will be prejudicial to the interests of other communities.

(7) Suggests that the number of the members be increased.

(8) If few posts be filled by election it will do well.

(9) Advocates a fixed rule determining the propoition of seats to be allotted to each class.

(10) The election should be made by the voters of whom a list should be made out. The voters should be the leaders of each community.

(11) Separate representation of classes is not necessary.

(12) No provision for separate representation of the Muhammadans is necessary.

(13) Yes.

(14) Yes, by separate heads.

(15) Yes.

Extract of opinion given by Pundit Badri Pershad, Tahsildar, Ferozepore, Jhirka, and others (members of the Municipal Committee, etc.).

(1) Imperial Advisory Council would be of service to the country. They have read paragraph 4 of the Government of India's letter, and are of opinion that the appointment of the members should better be made by election. The system for election which the Government thinks best may be adopted. Duration of the term of the membership be better reduced to three years so that a chance may be afforded to other leading gentries in giving advice. It is advisable that the proceedings of this council may be kept confidential in the first instance, but it should be well if they are laid before the public for their opinion after they have been approved of by the Advisory Council.

(2) Replies in affirmative and approves of the proposals for its constitution and duties

(3) The proposals contained in paragraph 12 are very appropriate and reasonable.

(4) Yes.

(5) By election from among the landholders paying land-revenue five thousand or upwards.

(6) The proposals laid down in paragraphs 12 and 18 are appropriate.

(7) Suggests that the number of the members be increased.

(8) Two-third by election and one-third should continue by the system in vogue.

(9) The proportion of seats allotted to each class should be according to population.

(10) The election through the members of the district board and municipal committees would be feasible.

(11) The proposal laid down in paragraph 22-A is feasible and should be given effect to in the manner provided in paragraph 22-B, and if a change may be effected accordingly in the constitution of the district board and municipal committees as laid down in paragraph 22-C it would be well.

(12) Arrangements for separate representation of the Muhammadans should better be made. Such representation through election is most desirable. The classes of electorate should be such as mentioned in paragraph 17 of the Government letter.

(13) A discussion of the Budget will improve the matters both for Government and for public. The suggestion made in the Government letter would do well to be given effect to.

(14) Yes, by separate heads.

(15) Yes.

Extract of opinion given by Lala Makhan Lal, Honorary Magistrate, Rewari.

(1) Reply is in affirmative.

(2) Reply is in affirmative and approves of the proposals for its constitution and duties.

(3) The proposals contained in paragraph 12 are very appropriate and reasonable.

(4) Yes.

(5) Any such landholder of the province who is a graduate of any province may be elected provided that five years should have elapsed after he got his degree and would have done judicial and revenue work.

(6) As paragraph 12 of the Government letter refers to the appointment of four Muhammadan members to the council he, therefore, also agrees to this suggestion. Their elections should be made in accordance with paragraph 15 of the Government letter.

(7) Seems no necessity to an increase.

(8) The present system of the nomination should be maintained.

(9) Paragraph 22 of the Government letter should be adhered to in giving force to this system.

(10) The election of all the non-official members should be made through some official of a supreme authority.

(11) The proposal laid down in paragraph 22-A is feasible and should be given effect to in the manner provided in paragraph 22-B, and if a change may be effected accordingly in the constitution of the district board and municipal committees as laid down in paragraph 22-C it would be well.

(12) The representation of the Muhammadans should better be made by nomination.

(13) The suggestions made in paragraph 23 of the Government letter should be given effect to.

(14) Yes, by separate heads.

(15) Yes.

Extract of opinion by Muhammad Saraj-ud-Din Haider Khan, Jagirdar of Farukhnagar.

(1) Replies in affirmative and suggests no alteration in the proposals made in paragraph 5.

(2) Replies in affirmative and suggests no alteration in the proposals made in paragraph 6.

(3) Suggests no modification in the scheme sketched out in paragraph 12 of Government of India's letter.

(4) Yes.

(5) Yes, by the majority of votes of the zamindar members of the Privy Council.

(6) Yes, 2 by nomination and 2 by election, through the votes of the Muhammadan members of the Provincial Council.

(7) Advocates increase by one-third of the present strength.

(8) It will be desirable if some of the seats be filled by election.

(9) As laid down in paragraph 22 of the Government letter.

(13) Yes.

(14) Yes.

(15) Yes.

Extract of opinion given by Sohna Municipal Committee by M. Madan Mohan Lall and Muhammad Abdul Aziz Khan, Members.

(1) Reply in affirmative and suggest the following modifications in paragraph 5 of the Government letter, *i.e.*, (1) The number of the Chiefs may be reduced from 20 to 10 and the number of the land-owners increased. Only those Chiefs should be admitted to the council who have obtained higher education and manage their States well and have also experience; (2) the council may be authorized to present their own opinions on any point, whether raised by Government or not.

(2) Agree with the Government proposal.

(3) Yes, but there seems no necessity of election, *vide* paragraph 12-D, until there might have been a marked minority of the Muhammadan members on the council.

(4) Yes.

(5) Yes, one of the biggest landholders of the province should be elected for Imperial Council and his electorate should be the zamindar members of the Provincial Council.

(6) If the number of the Muhammadan members is so low that by addition of these four members their number will not exceed the number of other community then this may be done. In case of necessity their electorate should be Muhammadan members of the Provincial Council or such persons as mentioned in paragraph 18 of the Government letter.

(7) The number may be increased as far as the number of the official members permit of their being raised.

(8) Half by nomination and half by election would be advisable.

(9) It is difficult to fix a standard exclusively for each community. If it is so desirable to give effect to it the representation should be made as laid down in paragraph 17.

(10) The election through the municipal committee and district board would be easy. It would be well if they may be supplemented by addition of big zamindars and traders and men of higher qualifications. Any one who may be elected for a seat in the Provincial Council must be a man of higher qualifications, influence, and means. The voters should also be literate and men of position and influence.

(11) Reply in affirmative.

(13) Yes.

(14) Yes.

(15) Yes.

By L. Balmukand, member.

(1) Replies in affirmative and suggests that instead of five years, three years would be enough. The members should be permitted to make any suggestions on their own initiative as they like.

(2) The council should be authorised to make any suggestions on their own initiative.

(3) Yes, if there exists a sufficient number of the Muhammadan already on the council there seems no necessity of their further election as laid down in paragraph 12-B.

(4) Yes.

(5) Yes, but he should not be elected from amongst the Provincial Councillors, but the Provincial Councillors should elect him from among the biggest zamindars of the province to be decided by the majority of votes. The electorate should be some able zamindars and they should first select some candidate and from among them one will be selected by the Provincial Councillors.

(6) Two Muhammadan members be elected, the other two should be elected by the Fellows of the University, and need not be re-tricted to Muhammadans.

(7) The number may be increased to such limit that it may not interfere with Government standard.

(8) All should be filled by election.

(9) The able members of each community should elect their own members, but if one community finds an able member in other community he may select him. The proportion should be according to census or according to qualifications.

(10) Under the present circumstances the representation is advisable as laid down in paragraphs (*a*) and (*b*) 22, but if the qualified persons may not be available then the restriction would be injurious. A change would be advisable in the district board and municipal committee, according to each community, but if this does not procure qualified men it may be relaxed. The educational and other qualifications must be fixed as a test. The electorate should be those of Muhammadans and district board non-official members, coupled with other educated voters.

(11) As against question 10.

(12) When ordinary and a general standard has been fixed separate representation is not required.

(13) Yes.

(14) Yes.

(15) Yes, as in Imperial Council.

Extract of opinion given by President and members of the Farukhnagar Municipal Committee.

(1) to (15) The members, including Khan Bahadur Mir Nasir Ali, Vice-President, agree *in toto* with the Government proposal and suggest no representations or notifications. Tahsildar, Gurgaon, agrees with them.

Extract of opinion given by Municipal Committee Palwal.

(1) to (15) The Tahsildar, together with other members of the Palwal Municipal Committee, reply all the questions in affirmative.

Extract of opinion given by Lalla Kashinath, M. A., Tahsildar of Rewari.

(1) Replies in affirmative, but adds that an equal proportion of the traders should also be admitted to the council. Besides one or two members of the biggest municipal committee should also be nominated for their seat in the council. The members should be given option that if they want to make any point public they may lay it before the council, and if unanimously agreed it may be given publicity.

(2) to (4) Yes.

(5) Yes, through Commissioners of the divisions, and finally by the local Government.

(6) Yes, 2 by election and 2 by nomination.

(7) Yes.

(8) Some by election and some by nomination.

(9) By public election.

(10) Yes, through district boards and municipal committees.

(11) The proposal suggested in paragraph 22 are desirable.

(13) The system proposed in paragraph 23 is advisable.

(14) and (15) Yes.

No. 278, dated Delhi, the 21st December 1907.

From—A. MEREDITH, Esq., I.C.S., Commissioner, Delhi Division,

To—The Chief Secretary to the Government of the Punjab.

With reference to your letter no. 2643-S. (Home Legislative), dated 27th September 1907, I enclose in original the opinions of the Deputy Commissioners of the five districts noted in the margin, together with the opinions of the various individuals and bodies they have consulted. The opinions of the Deputy Commissioners of Rohtak and Gurgaon will be forwarded directly they are received. I enclose also my own opinion.

1. Hissar.
2. Karnal.
3. Simla.
4. Ambala.
5. Delhi.

A. MEREDITH,

Commissioner, Delhi Division.

Opinion regarding the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters.

The spread of education and the great increase in the numbers of the educated classes has induced an increased interest in public affairs among a not inconsiderable section of the population, and I agree that it is advisable to devise some means of satisfying their legitimate aspirations and to utilize the increased intelligence and knowledge which are now available for the public benefit. The formation of the Advisory Councils and the increase in the numbers of the members of the Legislative Councils appear on the whole suitable means of attaining the desired end, though I would advocate modification rather than extension of the proposals as enumerated in the following paragraphs.

I. (1) No doubt we have high authority for believing that "in the multitude of councillors there is safety," but in an excess of them it seems to me there is likely to result little practical advantage and indeed possible administrative inconvenience. The Imperial Advisory Council as proposed to be constituted seems to me far too large, and I would limit the numbers to half or about thirty for the whole of India. In a council composed of about twenty Ruling Chiefs and forty territorial magnates there is not likely to be found much independence of opinion, two or three leading spirits will rule the whole and the majority of the members will not venture to press an opinion at variance with that of the principal and most powerful Chiefs in India. It is presumed that meetings of the council will take place both at Simla and Calcutta. With regard to the former the objection made by the Deputy Commissioner of Simla deserves, I think, consideration. In the present congested state of Simla, the influx of twenty ruling Chiefs with large native retinues, and forty territorial magnates with a following proportionate to their dignity and position, is not likely to add to the convenience of the European residents and visitors who as it is find Simla far too crowded for health and comfort. If the council is to consist of the dimensions now proposed, it would appear advisable to limit its meetings to Calcutta. Moreover, the expense entailed by frequent meetings of the council will prove a strain on the resources of some of the members, whose position requires them at all times to travel with a following ridiculously extravagant according to European ideas. Further as pointed out by the Deputy Commissioner of Delhi I see no reason why commerce, industry, capital, and learning should be entirely unrepresented on the Imperial Advisory Council, whose advice is likely to be far more weighty and useful to Government if representatives of the other classes of the community are included in its deliberations. Their exclusion indeed appears hardly consistent with the arguments adduced in paragraph 2 of the Government of India letter. I would therefore limit the Imperial Council to about 30 members for the whole of India, of whom about 10 should be Ruling Chiefs, about 10 territorial magnates, and the remainder drawn from the commercial, professional, and monied classes. I agree with the other proposals made in paragraph 5 of the Government of India letter, and advise very strongly that the functions of the council should be purely advisory on matters specifically referred to it from time to time. If allowed to make suggestions upon any matter affecting the administration, inconvenience is likely to result, and the work of the Home Department of the Government of India will certainly be largely and unnecessarily increased.

II. (2) I think also that a small Provincial Advisory Council, invested with similar duties, will be a useful institution and likely to be of assistance to Government as a means of ascertaining popular opinion on matters of public importance. The provincial members of the Imperial Council will belong to it, and the remaining members should be nominated by Government from among the various classes of the community named in paragraph 6 of the Government of India letter. Its functions should be purely advisory and suggestions should not be allowed except on matters referred to it.

III. (3) I agree that the Imperial Legislative Council may be enlarged with advantages but I think that the present proposals are unnecessarily liberal and that a Legislative Council composed of 53 members, excluding His Excellency the Viceroy, is likely to be unwieldy, and that its deliberations are likely to be unduly protracted with a consequent delay in the despatch of public business. I think the total number might be raised to 35 or 36, including the President, as follows :—

A. Ex-officio.	8
B. It will be sufficient to nominate ten additional officials in order to maintain a majority, if a corresponding reduction is made in the other proposals	10
C. A ruling Chief to be nominated by the Viceroy	1
D (*a*) I would leave the 2 members elected by the Chambers of Commerce of Calcutta and Bombay as now, it will be sufficient if members of the other Chambers are appointed to the Advisory Council or to the Provincial Legislative Councils	2
(*b*) I would leave the non-official members of the Provincial Councils at 4 as now, taking the 7 provinces in turn : I see no objection to one member being elected by the non-official members of the Provincial Legislative Council . . .	4
(*c*) I would limit the representatives of the land-owning classes to 4, taking the provinces in turn. They should be nominated for each province, the system of election is quite unsuited, in my opinion, for the filling of such an appointment. The best men will not come forward for election ; the idea, in this province at least, would be entirely repugnant to their feelings and traditions. If the amount of land revenue conferring the qualification to vote were fixed at Rs. 10,000 a year, the electorate in this province would consist of 10 members, if of Rs. 5,000, of 52. The former is manifestly too small in any case	4

(*d*) I would eliminate the 2 members proposed to be elected by Muhammadans altogether as unnecessary. It will be sufficient if the Viceroy has power to nominate 4 under the next head to represent minorities or special interests. It seems to me quite unnecessary to flatter Muhammadan susceptibilities to this extent, and I would omit the words in the next clause E "not less than two to be Muhammadans" as calculated to unnecessarily excite racial feeling and to give needless offence to a large number of loyal supporters of Government. They seem, moreover, to be superfluous, as the Viceroy will have it in his power to nominate all 4 members from among the Muhammadans, if he finds it advisable in order to maintain racial equilibrium among the native members of the council. A Provincial electorate seems to me impracticable, and a system of appointment by nomination to be much more suited to the conditions of this province. If it is decided, however, to appoint 2 Muhammadan members by election the provincial electorate might be composed as proposed in paragraph 18 of the Government of India letter, clause (*c*) consisting of the following :—

(*a*) Payers of land revenue of Rs. 2,500 and over .	96
(*b*) Payers of income-tax on an income of Rs. 25,000 and over	78
TOTAL .	174

(*E*) Non-officials nominated by the Viceroy to represent minorities or special interests	4
(*F*) Experts to be nominated by the Viceroy when necessary for special purposes	2
TOTAL .	35
or including His Excellency the Viceroy	36

IV. (7) A small enlargement might, I think, be made with advantage in the Provincial Legislative Council of this province; the present number is nine, in addition to the Lieutenant-Governor, of whom at least one-third must be non-officials. I would increase the number to fifteen, *i. e.*, that I would appoint 6 more members, of whom 3 should be official and 3 non-official.

(8) The present system of nomination should be maintained as regards all members, whether official or non-official. The best men will not come forward for election; the idea of canvassing and posing before their fellow-countrymen as candidates is distasteful to the leading native gentlemen of this province as far as my experience goes, and the introduction of a system of election will result in the council being swamped with members of the legal profession. A provincial electorate, moreover, is, as I have said above, in my opinion, quite impracticable.

(9) If a system of appointment by nomination is maintained I would not fix any rule determining the proportion of seats to be allotted to each class, but would leave it to the local Government to select its own men; it may safely be trusted to see that the various interests of the community are duly represented. If a system of election is to be followed in the case of non-official members, who I have proposed should not exceed six in future, I would allow the following classes and bodies to select their own representatives :—

Punjab Chamber of Commerce	1
Punjab University	1
Land-owners of the province, Hindu, Sikh and Muhammadan, one each	3
Legal profession	1
	6

(10) I do not advocate election through municipal committees or district boards. Election by a provincial electorate will only be required in the case of the 3 land-owners, and for them I prefer an electorate as foreshadowed in paragraph 17 of the Government of India letter (omitting the last class) fixing the amounts as follows :—

(*a*) Payers of land-revenue of Rs. 1,000 and over . .	369
(*b*) Payers of income-tax on incomes of Rs. 5,000 and over .	1,030
TOTAL . .	1,399

But it will be difficult to obtain the votes of even this limited electorate, and a provincial electorate is, it seems to me, impracticable.

(11) I do not suggest any change in the present constitution of municipal committees and district boards, and the subject appears somewhat foreign to that of the present reference.

(12) I have already discussed this question above.

V. (13) I agree that the changes proposed in the debates on the Budget in the Imperial Legislative Council are most desirable. If the scope of the debate is to be enlarged as proposed, I would restrict the right of reading their speeches to the *ex-officio* members.

(14) and (15) I do not think that the Provincial Budget should be discussed in the Punjab Legislative Council or that the right of interpellation by members should be granted. The council is only 10 years' old and its growth must be gradual, "*fastina lente*" should be it smotto and we may well await the introduction of these measures into the constitution of the councils of the older provinces and watch their working there before we advocate their adoption in the council of our own province.

A. MEREDITH,

Commissioner, Delhi Division.

No. 237-G., dated 16th November 1907.

From—CAPTAIN A. C. ELLIOTT, Deputy Commissioner, Hissar District,

To—The Commissioner, Delhi Division.

With reference to your circular no. 215, dated 2nd October 1905, I have the honour to forward herewith my opinion in the matters under consideration after consulting the following persons :—

(*a*) Lieutenant Stanley Skinner, Honorary Magistrate, &c.

(*b*) All Extra Assistant Commissioners in the district.

Association.

After having considered them, I think there is no use in sending on copies of all these documents, but I give the gist of their replies in the *précis* attached to this letter which will indicate sufficiently the opinions expressed by the various persons consulted.

2. In addition I send separately my own opinion in the matters under reference.

A. C. ELIOTT,

Deputy Commissioner.

Replies to questions in connection with Government of India letter, dated 24th August 1907.

I. *Imperial Advisory Council.*—I consider that such a council on the lines sketched in paragraph 4 of the Government of India letter would be of great service to the country. All members to be appointed by the Viceroy, and to hold office for seven years, or some such period, by which a charge of the Viceroyalty simultaneously with a change of members of the Advisory Council might be avoided.

I consider that, apart from any ruling Chiefs whose relations with the Government of India are conducted through Political officers and Residents, each presidency and province should select two ruling Chiefs or territorial magnates as representatives of the local Governments. Such members to be proposed by local Governments for acceptance, or otherwise, of the Viceroy.

The council in addition to its advisory duties should also be empowered to offer suggestions to the Government of India, provided such suggestions are supported by a majority of the members.

II. *Provincial Advisory Council.*—This would certainly be of great use also, and the proposed number should not exceed 21, including members of the Imperial Advisory Council. The duties to be the same as for the Imperial Advisory Council. The number fixed would allow of most diverse interests being represented. But it might be well to consider whether a member to represent each district would not be advisable.

III. *Imperial Legislative Council.*—I consider the enlargement of this council, as proposed in paragraph 12, on the whole, suitable, and I especially approve of the proposal that a member should be elected by the Provincial Legislative Council, thus extending to the Punjab the privileges already enjoyed by the three presidencies and the United Provinces of Agra and Oudh only at present.

I approve the selection of one of the great land-owners of this province to the Imperial Council. Such selection should be made by the members of the Provincial Advisory Council, not necessarily from among themselves, who should assemble and elect one name from among those put forward.

If any class distinctions are to be made, then the appointment of 4 Muhammadans—2 by election, and 2 at least by nomination—is suitable. There are special reasons for endeavouring to encourge the Muhammadan community, but I feel convinced that it will cause ill-feeling; and though it may do good to the Muhammadan enducated class, it will have no effect on the masses, and it is liable to mis-representation by other classes, especially if in the end they find themselves insufficiently, or not at all, represented.

To leave the election of the two members by election to the Muhammadan members of the Provincial Councils would be to leave it in too few hands. I would leave it to an electorate such as described in paragraph 18 of the Government of India letter, fixing the income-tax in clause (*c*) at Rs. 1,000 and the amount of land revenue paid annually at Rs. 5,000 per annum.

IV. *Provincial Legislatie Council, Punjab.*—An increase seems necessary in view of the other changes in other councils, and I would recommend a total of 21 members, with His Honour the Lieutenant-Governor as President of the Council. I would suggest the council being composed as follows :—

8 nominated official members, to wit :

The chief Justice, Punjab ;

The Financial Commissioner ;

5 Divisional Commissioners ?

The Chief Secretary to Government, Punjab.

In addition I would suggest eight other nominated members, non officials two each, to represent the following classes :—

Hindu, Muhammadan, Sikh, and Christian, also five other non-official members to be elected, one to represent each division of the Punjab. I would deprecate election through

district boards or municipal committees and would suggest an electorate for each district in the division such as contemplated in paragraph 17 of the Government of India letter, fixing the land revenue in clause 1 at Rs. 1,000 per annum, and the income-tax at not less than Rs. 104 per annum. Each district having elected its representative, the choice for the division to be settled before the Commissioner by lot.

I would advocate a fixed rule in the allotment of seats to the classes to be represented as noted above. I would not advocate election, but nomination. I would advocate a change in the constitution of municipal and district boards as indicated in paragraph 22 (*c*) of the Government of India letter. Anything more unsatisfactory than the present constitution of, and method of election to, district boards it is hard to imagine, but not strange when one sees how the majority of the electorate are intellectually unfit to vote. In addition to what I have suggested above I think no further separate representation for Muhammadans is advisable. But were such decided on I would adopt the form of electorate in paragraph 17 of the Government of India letter with the restrictions as to land revenue and income-tax noted above.

V. *Budget discussion.*—I consider that in this connection a "full dress" Budget debate on the lines of the usual Budget debates in the House of Commons would have advantages. Too frequently the cry has been raised that the wealth of India is being drained, that the Budgets are framed without reference to the real needs of India, and that any discussion thereon is ruthlessly "closured." Apart from the opinion which I hold that open discussion is wise and advisable, I consider that it will also effectually silence the cry of the Congress on this point And if discussion is allowed in the Imperial, why not in the Provincial Legislative Council? But ours is a young council, and discussion might for some time to come be well restricted to a Budget debate, without extensions, such as is usual in the Imperial Council at present, *i.e.*, a general discussion on the Budget as a whole.

When the extended Punjab Legislative Council is created I think interpellation should be permitted, if only so that the opinions of the council as a whole may be best utilized. A council which acts in the manner in which district boards usually act would be quite superfluous, and unless right of interpellation is allowed members may be inclined to lapse into district board methods.

A. C. ELLIOTT,

Deputy Commissioner.

Précis of opinions received.

I. *Imperial Advisory Council.*—All agree that the number of ruling chiefs, *viz.*, 20, or one-third of the whole, is too large. Various numbers ranging from 5 to 15 are advocated. All, except the Bar, agree to the principle of nomination instead of election. It is proposed further that the term of office be for ten years. Also that persons of marked intellectual attainments should be eligible, and that territorial magnates should not be erected unless intellectually fit, nor unless they have already shown interest in public affairs.

II. *Provincial Advisory Council.*—The opinion generally is that these should be formed and enlarged to take in all classes. All, except the Bar, agree that members should be nominated, and that as far as possible each district in the Punjab should have at least one member in this council.

III. *Imperial Legislative Council.*—(*a*) All agree that the enlargement of this council will have good results and is desirable. The constitution as sketched in paragraph 12 of the Government of India letter is generally approved, except the appointment of Muhammadans.

(*b*) All approve that one member should be elected by the Provincial Legislative Council.

(*c*) All propose that one of the great land-owners should be selected and chosen by the land-owning members of the Provincial Council from among themselves, or from other land-owners paying at least Rs. 1,000 land revenue per annum.

(*d*) Generally the majority that is, deprecate the favouring of any one class of the community and urge that harm may come of it while the good to accrue to Muhammadans from it is doubtful.

IV. *Provincial Legislative Council in the Punjab.*—(*a*) The opinions as to an increase are unanimous, and the number fixed on is 25—keeping an official majority. This number is thought to be the least possible to allow of all classes being represented.

(*b*) All agree that all non-official seats should be filled up by election.

(*c*) Opinions divided, but all are agreed that whatever classes are fixed they should not have any preponderance in number of members, the one over the other, no matter what their numbers are.

(*d*) Election through municipal and district boards is strongly deprecated. It is proposed that the method laid down in paragraph 17 of the Government of India letter should be applied here, and that Rs. 1,000 be fixed as the sum of land revenue to qualify as an elector. Others fix the land revenue at Rs. 100.

(*e*) Separate representation is deprecated by most, but urged by officials. Nor is any change in the constitution of municipal and district boards suggested.

(*f*) Those who agree to separate representation of Muhammadans propose an electorate formed as suggested in paragraph 17 of the Government of India letter. Land revenue qualification fixed at Rs. 100.

V. *Discussion of Budget in the Legislative Council.*—(*a*), (*b*), and (*c*) All agree to unanimously and strongly argued.

A. C. ELLIOTT,

Deputy Commissioner.

No. 292-G., dated the 20th November 1907.

From—Q. Q. HENRIQUES, Esq., C.S., Deputy Commissioner, Karnal,

To—The Commissioner, Delhi Division.

With reference to your circular endorsement no. 215, dated 2nd October 1907, I have the honour to forward herewith my opinion in regard to the measures proposed by the Government of India for giving the people of India wider opportunities of expressing their views on administrative matters, *vide* Government of India letter no. 2310—2317, dated 24th August 1907.

Q. Q. HENRIQUES,

Deputy Commissioner.

Punjab Government No. 2643-S. (Home—Legislative) of the 27th September 1907, on the subject of giving the people of India wider opportunities of expressing their views on administrative matters.

I. (1) All the people I have consulted have approved of an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter. At the same time they have almost all been struck by the anomaly of a determinate body of advisors with no power of initiative.

My own opinion is that a body of this sort may within very narrow limits be useful as long as it maintains its present character. The fact that its members will be so widely scattered over the country will tend to prevent its having any corporate existence. If it ever does obtain a corporate existence, it is bound to extend its functions, and it will become a distinct source of embarrassment. It would then either clash or amalgamate with the Legislative Council.

I do not think there is any need for a Provincial Advisory Council. A properly constituted Legislative Council could always be consulted informally, and I do not believe that there is material in the Province to supply two separate councils.

Most persons consulted approve of it in the form suggested. One interesting suggestion is that its members should each represent a district.

III. (3) I have no suggestions to make.

(4) Yes.

(5) I do not think there is any need for the great land-owners of this province to be represented. One representative should instead be nominated to represent the land-owners of the Province.

(6) I approve of proposals contained in paragraph 12 D (d) and E.

IV. (7) Opinions seem to be divided about the necessity of increasing the size of the Legislative Council. If an official majority is to be maintained, it cannot be very largely increased. I do not propose any increase.

(8) All the unofficial members should be nominated. Opinion of those I have consulted is about equally divided on this point.

(9) There should be class representation. One Hindu, one Sikh, two Muhammadans, and one Christian would fairly represent the classes.

(10) Election through district board and municipalities is quite unsuitable. This is the general opinion. Election, if resorted to, should be through lambardars, and income-tax payers.

(11) If classes are to be allowed to send their own representatives, I think the power of election should be delegated to selected Anjumans and Panchayats.

(12) By nomination.

V. (13) I am unable to make any suggestion.

(14) Ditto ditto.

(15) No, I consider it unnecessary. There is no difficulty at present in ventilating a grievance, and the system of asking questions causes a great waste of official time.

Q. Q. HENRIQUES,

Deputy Commissioner.

No. 29, dated 29th November 1907.

From—W. MALAN, Esq., C.S., Deputy Commissioner, Simla,

To—The Commissioner, Delhi Division.

In your circular no. 215, dated the 2nd October 1907, with which you forwarded a copy of the Punjab Government letter no. 2643-S., dated the 27th September 1907, on the subject of Imperial and Provincial Advisory and Legislative Councils, a reply was requested by the 20th November. On receipt of your endorsement opinions were invited from Khan Sahib Fakhruddin, Lala Jai Lal, Mr. Pir Bakhsh, Mr. Mir Muhammad Khan, and from the local Secretaries of the Brahmo-Samaj, Arya Samaj, and Sri Guru Singh Sabha. Replies were received from Lala Jai Lal on the 16th, from Mr. Pir Baksh and Mr. Mir Muhammad Khan on the 18th, and from Khan Sahib Fakhruddin on the 23rd November. No replies have been received from the Secretaries of the local bodies addressed, and, as my reply is already over-due, I consider it undesirable to await the receipt of further opinions. The opinions received up to date are submitted herewith. They speak for themselves and do not require detailed notice.

2. I now have the honour to deal with the questions annexed to Mr. Maclagan's letter quoted above.

I. (1) I understand that it is intended that the Imperial Advisory Council should be a body entirely distinct from the Imperial Legislative Council, though membership of one body would not disqualify for membership of the other body. I venture to suggest that the simpler plan (for the present, at any rate, while the scheme is in an experimental stage) would be to have one "Imperial Council" only, which would exercise the functions both of an Advisory and of a Legislative Council. The proposed constitution of the two councils indicated in paragraphs 5 and 12 of the Government of India letter, no. 2310—2317-S., dated the 24th August 1907, do not differ in any radical way, except in so far as it is proposed to eliminate the elective principle from the Advisory Council. It might be advisable to modify, to some extent, the constitution of the combined council now suggested, but this would be a matter for future consideration. In my opinion the sudden creation of a new Advisory Council together with an equally sudden enlargement of the Legislative Council, would, in practice, lead to difficulties which would be avoided by the alternative scheme of merely enlarging and altering the constitution of the existing Legislative Council, and using it for the purposes indicated in paragraph 4 of Sir Harold Stuart's letter, for which the new Advisory Council is proposed to be created. For example, when the Government of India is in Simla, there would be considerable practical difficulty in collecting together the members of the proposed Advisory Council and arranging for their suitable accommodation. An influx of even half the proposed score of Ruling Chiefs, with their retinues into an already overcrowded hill station, at the height of the season would be liable to strain the resources of the Summer Capital to breaking-point. In Calcutta, of course, there would be no difficulty in housing the members, but it would probably be found advisable to have a meeting more than once a year. If an almost equally large Legislative Council had also to be arranged for in Simla, the difficulties would be doubled. On this ground alone, then, I would suggest that the duplication of councils is unnecessary, and that equally good results would be obtained by utilising the Legislative Council, in its enlarged state, as an Advisory Council when this was considered necessary. An advisory meeting might be held, as a matter of course, just before or after each Legislative Meeting and the members of the "Imperial Council," as it might suitably be called, would benefit by the extension of the range of their responsibilities as advisers of the Government as well as Legislators. The Governor-General could still consult the members of the council either individually or collectively or by means of committees appointed from among their number, as suggested in the last sentence of paragraph

4 of the Government of India letter. There seems to be no objection to utilising a council to which the elective principle has already been introduced, as an Advisory as well as a Legislative body.

I. (2) Similar remarks apply to the proposed Provincial Advisory Council. I would suggest that the Provincial Legislative Council, in an enlarged form, should merely be utilised on occasion as an Advisory body.

III. (3) The enlargement of the Imperial Legislative Council appears to me to be desirable only in case it is decided to use it also as an Advisory Council, as suggested above. If there are to be two councils, I would recommend that the Legislative Council be maintained in its present compact size. A large council of 54 would tend to become unwieldy for practical legislative purposes, unless the bulk of the members were content to sit silent and follow the lead of an active minority. The simplest plan would seem to be to have, for purposes of legislation, a council of comparatively small size, to which additional members could be invited when it was desired to hold an advisory meeting. The Legislative members would thus form the nucleus of the Advisory Council, and Legislative and Advisory members alike would benefit by this association of interest and responsibilities.

(4) The proposal that one member of the Imperial Legislative Council should be elected by the Provincial Legislative Council seems suitable.

(5) The elective method is, in my opinion, entirely unsuitable for the selection of a great Punjab land-owner for a seat on the Imperial Council, to judge from the deplorable features usually associated with municipal elections in this province. Nomination by the Lieutenant-Governor is the only possible solution.

(6) I agree with Lala Jai Lal in his opinion that the Viceroy's discretion should not be fettered in the matter of nominating not less than 2 members under head E in paragraph 12 of the Government of India letter.

IV. (7) I see no good reason for increasing the number of members in the Provincial Legislative Council. The Punjab Legislative Council is not yet in its "teens," and should not be allowed to grow until it attains its majority.

(8) Nomination should be maintained, the elective principle being quite unsuited to this province.

(9) No fixed rule determining the proportion of seats to be allotted to each class is desirable. The local Government should be at liberty to manipulate the constitution of the council so as to suit existing conditions. The Muhammadan and Sikh communities should, of course, be fairly represented on the council.

(10) Election through municipal or district boards would be a failure. If election is to be introduced the constitution of the electorate should be left entirely to the discretion of the local Government.

(11) I would not suggest any changes in the constitution of municipal or district boards.

(12) The question of giving a sufficient proportion of seats to Muhammadans and also to Sikhs, as far as this province is concerned, should be left entirely to the discretion of the local Government. The electorate suggested in paragraph 17 of the Government of India letter would be unsuitable to the Punjab, which has not as yet (judging from the ordinary results of municipal and district board elections) learnt to appreciate the advantages of the elective principle. In course of time it may be possible to introduce the elective system on lines which have been found successful in other provinces.

V. (13) The proposals for the alteration in the system of discussing the Budget in the Imperial Legislative Council seem to be entirely suitable. Written speeches should be absolutely prohibited, except in the case of official members.

(14) I see no objection to the proposed discussion of the Provincial Budget in the Punjab Legislative Council. The system indicated in paragraph 23 of the Government of India letter should be followed, written speeches being prohibited, except in the case of official members.

(15) Interpellation by members should not be introduced into the comparatively young Punjab Legislative Council until it has been seen how the innovation works on other Provincial Legislative Councils.

3. In conclusion, I may remark that the submission of opinions with regard to the constitution and procedure of Legislative Councils must necessarily be made with some diffidence by one who, like myself, has never had the privilege of attending meetings of such councils. As, however, opinions have been invited on definite questions, it was necessary to deal with such questions on the basis of *à priori* considerations in default of any basis of actual experience.

W. MALAN,
Deputy Commissioner

Opinion expressed by Lala Jai Lal, Pleader, Simla, on the Advisory Councils' Scheme.

I. (1) Yes, I think that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country; much will, however, depend on the *personnel* on the proposed council.

I would suggest that the membership of the council should not be confined to the ruling Chiefs and big land-holders only. These, I regret to say, do not ordinarily represent public opinion, and their knowledge of the condition of the country and feelings of the people is usually limited and second-hand. They are very seldom in touch with the people at large—the ruling Chiefs for obvious reasons, and the big land-holders because they also consider themselves entitled to the privileges of ruling Chiefs.

The aims of the Imperial Advisory Council as detailed in paragraph 4 and paragraph 5 of the Government of India letter will only be half fulfilled if the council is constituted as proposed, because the gentlemen who are proposed to constitute the council will not be able to act "as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government," and will not be an agency "to make its motives and intentions better known, to correct misstatements, and to remove erroneous impressions," which I submit is a very important, and perhaps the most important, function of the proposed council. Again, I fear that the proposed councillors if selected as suggested will not be quite competent to give sound opinions on questions which may be outside the sphere of their occupation, *e.g.*, questions of commercial and industrial importance, etc.

I am, therefore, of opinion that a fair proportion, say one-fourth, of the members of the Imperial Advisory Council should consist of gentlemen of standing, influence, and experience representing the other interests, such as industry, commerce, capital, and professional classes.

I have no alterations to suggest in the duties of the proposed council.

II. (2) I do not think that a Provincial Advisory Council will be a very useful institution for this Province just yet, my reasons mainly being that this Province is usually governed by an officer who has an extensive knowledge of the Province and who is assisted by experienced officers who have passed a good many years of their career in the province. Such a council I think will be quite a superfluous body. I am not against such a council, however, and if one is to be formed, I have no modifications to suggest in its constitution and duties as proposed.

III. (3) I approve of the enlargement of the Imperial Legislative Council. The modifications that I have to suggest in the scheme sketched out in paragraph 12 of the Government of India letter will appear from my answers to question III (4), (5), and (6).

III. (4) I approve of the proposal that one member should be elected by the Provincial Legislative Council as proposed in paragraph 13 of the letter. The election, I think, ought to be by ballot.

III. (5) I approve of the election of one great land-owner of the Province to the council from this Province, but I don't think election will be a suitable method for such selection. I would prefer nomination by the local Government to any other method so far as this province is concerned. The number of land-holders paying R10,000 or more per annum land revenue is only ten in this province, and this is too small a number to form a suitable electorate. I am not in favour of reducing this limit of R10,000 if other provinces maintain it. If, however, election is considered desirable, I would suggest that only those land-holders should be made eligible for membership who pay not less than R10,000 per annum land revenue, while the limit of land revenue paid by an elector might be reduced to R5,000, and every sum of R5,000 paid as land revenue be made equal to one vote, thus a person who pays R10,000 may be given two votes, and a person paying R15,000 be given three votes, and so on. The election should be by ballot.

In the alternative I would suggest that an electorate be formed consisting of the unofficial members of the Punjab Legislative Council and all the land-holders paying more than R19,000 annually as land revenue, and this electorate might be given the power to elect one member from the Provincial Council and one from the big land-owners. This will obviate the objection of giving the right of election of a member to the Imperial Legislative Council to a very small body, and avoid the difficulty of forming an electorate "of the land-holders in so large and in many respects so heterogeneous an area as an entire province."

III. (6) I do not approve of the appointment of *four* Muhammadans to the Imperial Council as suggested under *both* heads of D (*d*) and E of paragraph 12 of the letter. I am in favour of giving Muhammadans a right to elect two Muhammadans by election as provided under head D (*d*) of paragraph 12 of Government of India letter, but I am not in favour of fettering the discretion of His Excellency the Viceroy in the appointment of members under head E of paragraph 12 of the letter by reserving two more seats for Muhammadans. The

members to be appointed under this head will be selected to represent minorities or special interests, and presumably appointments under this head will be made after selections have been made under other heads. Supposing there is already a preponderance of Muhammadans selected under other heads, the aim of the appointments under this head will be frustrated by the appointment of at least two more Muhammadans. As the constitution of the Provincial Councils is proposed to be altered, I believe the alterations proposed will secure the Muhammadans a fairly good number of seats on the Provincial Councils, and it is very probable that a good number of members elected by Provincial Councils will be Muhammadans. I am in favour of leaving the appointment under this head entirely to the discretion of the Viceroy, who may give all the four seats to the Muhammadans if he considers that they are not properly represented in the council, or may not allot a single seat to them if he considers that there is already a good number of them on the council. I would recommend that the elected members should be elected not by the Muhammadan members of the Provincial Council, but by an electorate such as that described in paragraph 18 of the letter, with this modification that under head C of paragraph 18 I would substitute "Muhammadan graduates of at least ten years' standing" in the place of "Muhammadan Fellows." This election should be by ballot.

IV. (7) Yes, I advocate an increase in the present number of members of the Punjab Legislative Council. I think the number should be increased to 25. This does not include the Lieutenant-Governor.

IV. (8) I would partly maintain the present system of nomination and I would partly have election. I think the number of unofficial members should be 11—6 elected and 5 nominated, as follows :—

2 elected by Muhammadans.

1 " graduates of the Punjab University of more than 5 years' standing.

1 " the district boards.

1 " the municipalities of 1st class.

1 " the Hindus.

The Muhammadan and Hindu electorates should consist of persons of each class who pay income-tax on incomes of Rs. 3,000 or more (I think Rs. 1,000 is a very low limit, as suggested in paragraph 17 of Government of India letter) and also of persons who pay Rs. 100 or more land revenue in one district.

I have excluded the graduates from this electorate as suggested in Government of India letter, paragraph 17, as in my opinion graduates should be given a separate right to elect one member. These elections should be open, and of the two members to be elected by Muhammadans one must be a land-owner paying more than Rs. 500 land revenue annually. The member to be elected by the district board must be one who pays more than Rs. 2,500 land revenue annually.

Of the five unofficial members to be nominated by the Lieutenant-Governor one must be a big land-owner, one a Sikh, one representing European commerce and capital, and one Indian commerce and capital.

I have not suggested an elected member for the Sikhs, as in my opinion there will be great difficulty in the way of forming a suitable Sikh electorate. If, however, an electorate of Sikhs is considered feasible, I would give them also right of electing one member, reducing the nominated members to four.

From the scheme submitted by me it will appear that two seats are secured to the Muhammadans who are likely to get more seats from selections under other heads. The constitutions of the district boards and municipal committees are proposed to be altered so as to secure a certain and fixed number of seats to each class, this change might make it likely for a Muhammadan to be elected by these bodies. Three seats are also secured to the big land-holders by the scheme proposed by me. In the alternative, if it is considered proper not to have a majority of seats in the Provincial Council by election, I would suggest at least three seats should be filled by election, *i.e.*, one Muhammadan by election by the Muhammadan members (past and present) of the district boards and municipalities, and one Hindu by the Hindu members (past and present) of the district boards and municipalities, and one elected by the graduates of over 5 years' standing. The remaining seats might be filled by nomination but the class representation should be as stated above.

IV. (9) I think I have discussed this point under paragraph (8).

IV. (10) Ditto ditto.

IV. (11) I have partially answered this question before. I would leave the matter of election altogether in the hands of the municipalities and district boards, where those bodies have to elect. I advocate the representation of classes as I have explained in answer of question (8). I would not supplement the list of members of the committees and district boards by other members, or, in the alternative, I would form an entirely separate electorate as suggested before. The only corresponding change that I would suggest should be made in the constitution of municipal and district boards is that certain number of seats should be allotted to Hindus and certain number to Muhammadans, the proportion to be decided according to the numerical strength and local influence and importance of each class in each district. In districts and towns having a sufficiently large influential Sikh population seats ought to be allotted to the Sikhs also accordingly. I am not in favour of allotting the seats according to occupations, as this will make the matters very complex, the determination of occupations to be represented, and then persons belonging to particular occupations will cause a good deal of waste of time unnecessarily and will lead to great controversy.

IV. (12) This also has been discussed by me above.

V. (13) Yes, I consider that the system of discussing the Budget in the Imperial Legislative Council should be altered as proposed.

V. (14) Yes, I think that the Provincial Budget should be discussed in the Punjab Legislative Council. I do not advocate its discussion by separate heads as suggested in paragraph 23 of the Government of India letter. I think the difficulties that necessitate the discussion of Budget under separate heads in the Imperial Council hardly arise in the Provincial Council.

V. (15) Yes, I advocate the introduction in the Punjab Legislative Council of the power of interpellation by members.

JAI LAL,
Pleader.

Opinion on questions in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

(1) Yes. No change is necessary.

(2) Do. do.

(3) Do. do.

(4) Yes.

(5) Yes, should be selected by nomination method.

(6) Yes, four Muhammadans should have the appointment in accordance with the method given in paragraph 18.

(7) The present number of the members of the Provincial Council might be doubled.

(8) Nomination method should be adopted.

(9) The Hindus and the Muhammadans should be separately represented according to their respective total number as shown in the Census Department.

(10) Election of unofficial members be made by the Government. If they are to be elected then those people whose yearly income is Rs. 10,000 or more should vote for them.

(11) There should be representation of classes.

(12) The Muhammadans should have a separate representation, half by nomination and half by election, which might be exercised by Muhammadan graduates of experience and good social status.

(13) Yes.

(14) Yes.

(15) Yes.

K. S. FAKHEER-UD-DIN.

Replies to questions enclosed with the Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—Yes, I consider that an Imperial Advisory Council on the line sketched would be useful, but its usefulness would greatly depend upon the experience, independence, and moral courage of its members.

As regards its constitution and duties I beg to say that the number of ruling Chiefs might reasonably be reduced from 20 with a corresponding increase in the number of important land-holders.

II. (2) *Provincial Advisory Council.*—Yes, it will be a useful institution.

III. (3) *Imperial Legislative Council.*—Yes, I am in favour of its enlargement. The chief modification which I beg to suggest is an increase in the number of Muhammadan members from *four* to *eight* at least in a total of 54 members. At present the proportion of Muhammadan representatives to the total number is two to eighteen roughly, which is generally regarded as inadequate.

(4) In the Punjab, Eastern Bengal and Assam, and Burma nomination by the head of local Government would be more suitable than election by the Provincial Legislative Councils.

(5) I consider the last of three methods, *viz.*, nomination, would be the best for this Province.

(6) As stated in reply to question III (3) above, I am strongly in favour of there being at least eight Muhammadans in Imperial Legislative Council, *i.e.*, four by nomination by the Viceroy and four by election as under:—

(*i*) Two by the Muhammadan non-official members of the Provincial Council.

(*ii*) Two by the Muhammadan Fellows of the local University.

(7) *The Provincial Legislative Council in the Punjab.*—Yes, I advocate that the present total number should be doubled, and that no less than half of the non-official members should be Muhammadans in virtue of their ratio to the total population of the province.

Further, it is absolutely unnecessary to maintain any distinction whatsoever between Hindus and Sikhs, as the latter are practically part and parcel of the former community in all respects.

(8) I would maintain the existing system of nomination for the present. In case of election, the Muhammadan candidates should be elected by Muhammadans through the municipal and district boards and Anjumans.

(9) *Vide* as (7) above.

(10) As in (8) above.

(11) Yes, as indicated in paragraph no. 22(*b*) of Government of India letter.

(12) Yes, by nomination, and in case of election, according to suggestions made in paragraph no. 17 of Government of India letter would answer the purpose very well.

IV. (13) *Discussion of the Budget in the Legislative Council.*—Yes.

(14) Yes.

(15) Yes.

MUHAMMAD PIR BAKHSH,

Barrister-at-Law, Simla.

Opinions on questions in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

(1) Yes, Imperial Advisory Council, as sketched out in paragraph 4 of the Government of India letter, would be of service to the country. Proposals made in paragraph 5 require no alteration in its constitution and duties.

II. (2) The same view as in (1).

III. (3) Yes, enlargement of the Imperial Legislative Council would be an improvement. No modification is needed.

(4) Yes, one member should be elected by the Provincial Legislative Council.

(5) Yes, one of the great land-owners of the province should be selected by nomination method.

(6) Yes, four or more Muhammadans should have the appointment, three-fourths by nomination and one-fourth by election.

Either the Muhammadan Fellows of the University or the Muhammadan members of the Provincial Council should elect.

IV. (7) The present number of the members of the Provincial Council may be increased. The increase should be proportionate to the increase in number of the Imperial Legislative Council.

(8) System of nomination should be maintained.

(9) There should be separate representation of the Hindus and the Muhammadans in the Provincial Council. In the same way the Christians who constitute a separate class should have separate representation. But in all cases the method of nomination is most salutary.

(10) Election of unofficial members through municipal and district boards would be useless. Government itself should elect such unofficial members.

(11) There should be representation of classes but not on the method suggested in paragraph 22, A, B, and C.

(12) Muhammadans should have separate representation which might be as follows:—

Three-fourths Muhammadans by nomination and one-fourth by election, which may be exercised by the Muhammadan graduates of not less than 5 years' standing.

V. (13) A system of discussion of the Budget in the Legislative Council may be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) Yes.

(15) Yes.

Note.—I advocate the system of nomination as the people of the province are not, in my humble opinion sufficiently advanced for the introduction of a system of election.

NUR MUHAMMAD KHAN, B.A.,
Chief Court Pleader, Simla.

No. $\frac{95}{1055}$-M., dated Ambala, 3rd November 1907.

From—MAJOR, R. M. LOWIS, I.A., Deputy Commissioner, Ambala District,

To—The Commissioner, Delhi Division.

With reference to circular endorsement no. 215, dated the 2nd October 1907, I have the honour to forward herewith my opinion on the questions formulated therein. I have also consulted the following bodies and individuals and copies of their replies are attached:—

The District Association, as representing the educated Hindu community.

The Anjuman Islamia of Ambala City.

S. Jiwan Singh, C.S.I., of Shahzadpur. }
S. B. Harnam Singh of Kharar. } The leading jagirdars of the district.
M. Anrodh Singh of Ramgarh. }

L. Panna Lal, a representative factory-owner.

L. Joti Parshad, Government Treasurer, as representing the commercial classes.

B. Harbaksh Singh of Ropar, as representing the trading classes.

The Extra Assistant Commissioners of the district.

Of these L. Arjan Das, E. A. C., L. Joti Parshad, Government Treasurer, Lala Panna Lal, factory-owner, have not as yet sent replies, and I am unable to delay my answer on their account. Also your circular endorsement no. 267, dated 22nd November 1907, was received too late for circulation as the opinions of the above-mentioned gentlemen had already been received.

R. M. LOWIS, *Major,*
Deputy Commissioner, Ambala.

Opinions on the various questions.

(1) I consider that the Imperial Advisory Council proposed would be of great assistance to Government, and with regard to its constitution and duties I would only suggest that the proportion of ruling Chiefs proposed appears unduly high, and that I consider that if Government takes action on any matter as a direct result of the advice of the council the opinions of the members thereon should be published.

(2) My opinion is the same regarding the Provincial Advisory Councils.

(3) I approve of an enlargement of the Imperial Legislative Council and consider the number proposed suitable, but I would suggest that there should be two ruling Chiefs nominated by the Viceroy, that there should be no separate elected Muhammadans, but that the number of non-officials to be nominated by the Viceroy should be five instead of four; that there should be no proviso as to any given number of these nominated members belonging to any particular class, but the nominations should be made after the results of the elections are known in such a way as to ensure adequate representation of minorities or special interests.

(4) I approve of the proposal that one member should be elected by the Provincial Legislative Council.

(5) I consider that for the present the representative of the great land-holders of the province should be selected. If, however, he is to be elected I consider that he should be elected by the Durbaris of the province.

(6) I do not approve of the proposals *re* appointment of 4 Muhammadans. I consider that as framed they are likely to give needless offence to a very large number of loyal Hindus who will ask why similar safeguards are not proposed for small communities like the Sikhs and Parsis. I would ensure proper representation of minorities in the way proposed in paragraph 3.

(7) I would raise the number of members of the Provincial Legislative Council to 25, including His Honour the Lieutenant-Governor.

(8) I would, for the present at all events, have only 8 members elected, *i.e.*, one by each division of the province, one by the Punjab Chamber of Commerce, one by the Senate of the Punjab University, one by the first class municipalities of the province.

(10) In the case of the divisional and municipal members I would suggest that each district board should select two inhabitants of the district with adequate qualifications (say a jagirdar of R2,000 or over, a payer of R1,000 or over land revenue, or of R250 or over income tax); the member selected by all the district boards of one division would meet and elect one of themselves. The municipal member might be elected in the same way.

(11) I consider that no special system for representation of classes is required except the reserving of a sufficient number of seats to be filled by nomination after the results of elections are known.

I would not at present recommend any alteration in the constitution of district and municipal boards.

(12) If it is considered necessary to provide separate representation of the Muhammadan community by election, I would leave the election to the Muhammadan Durbaris of the province.

(13) I consider that the system of discussing the Budget in the Legislative Council should be altered as proposed in paragraph 23 of the Government letter.

(14) I consider that the Provincial Budget might usefully be discussed at present in the manner in which the Imperial Budget is now discussed; later on it might be discussed under separate heads.

(15) I do advocate the power of interpellation by members of the Provincial Legislative Council.

From—The Ambala District Association,

To—The Deputy Commissioner, Ambala.

In reply to your office letter no. 899-M., dated 9th October 1907, asking the opinion of the Ambala District Association about the proposed measures of reform in the Imperial and Provincial Legislative Councils and the formation of Advisory Assemblies, I beg to state that this Association has read with regret the Government of India's adverse remarks about the preponderance of pleaders and barristers in the Legislative Councils. The Association thinks that the members of the legal profession come into direct contact with all classes of people in the course of their daily work and are, therefore, well qualified to speak with authority about the condition of the country. All things considered, the fact that their work in the councils involves a loss of much valuable time to them should have entitled them to the thanks of Government and not produced in the Government a desire to reduce their number and importance in the councils.

2. As regards the proposed Advisory Council, the Ambala District Association has, after careful consideration, come to the conclusion that if these bodies are formed on the lines sketched out in the Government of India (Home Department) letter no. 2310—2317, dated 24th

August 1907, they would not be of any real service to the country. Divested altogether of all "power of initiative" and with no powers of any sort vested in them and with their work as councillors, too, depending solely on the convenience and pleasure of the executive heads of Imperial and Provincial Administrations, the members of such councils would hardly recognise any responsibility of their position or be inspired with any lofty sense of duty. To men of more than average ability their distinction as members of the Advisory Councils would appear as more or less of a sham, while men of inferior intelligence and education would hardly throw any light on matters submitted for their consideration.

This Association has refrained from making its own proposals about the constitution and work of an ideal advisory body because the Government wants suggestions only about the constitution and the duties of these councils and not about their status and powers and, therefore, the Association's representation in the matter would have no chance of being seriously considered.

3. This Association is not in favour of representations of classes as such on the councils. Superiority of intelligence and ability is the only recognised test of eligibility to appointments under the Government, and the supersession of this good principle of recruitment by the antiquated method of class representation would, in the opinion of the Association, instead of producing harmony among the different classes of His Majesty's Service give rise to considerable bitterness of feeling.

4. As would appear from a perusal of the answers (to the questions on which the opinions of this Association is asked by Punjab Government) appended herewith, this Association sugests the allotment of one seat, by election, to each of the five Indian Universities on the Imperial Legislative Council and of one seat on the local Legislative Council to a representative of the Punjab University. In making this proposal the Association has been influenced by the consideration thah the Fellows of a University, though appointed for helping the Government in educational matters, are often some of the best men working in the various spheres of life. The members elected by Universities, which are in themselves fairly large bodies, and contain representatives of many classes of society, are therefore expected to prove of much help in voicing public opinion and aiding the councils in their deliberations.

5. By appointing a ruling Chief to the Imperial Legislative Council in accordance with the wishes of his compeers, the Government would avail itself of the services of accredited representative of all the States, and would thus have the benefit of their collective opinions in addition to producing a feeling of satisfaction in them that their interests are guarded by one of their own representatives in the Imperial Legislature. The advantages of election over nomination are well established, and this Association prays that the seat of the Imperial Legislative Council, which the Government wishes to reserve for a ruling Chief, may be filled by election.

Answers to the questions appended to the Chief Secretary to Punjab Government's letter no. 2643-S. (Home-Legislative) at Simla, dated 27th September 1907.

(1) and (2). In the opinion of this Association the Imperial and Provincial Advisory Councils, on the lines sketched out in the Government of India (Home Department) letter no. 2310—2317, dated 24th August 1907, would not be of any service to the country.

(3) This Association approves of the enlargement of the Imperial Legislative Council, and begs to request that the council may in future be constituted on the following lines:—

(i) *Ex-officio* members	8
(ii) Additional (nominated) officials, not exceeding	2
(iii) Elected members—	
(a) By the ruling Chiefs	1
(b) By the Calcutta and Bombay Chambers of Commerce	2
(c) By the Senates of the Universities of Allahabad, Calcutta, Madras, and Lahore	5
(d) By the non-official members of the Provincial Councils of Lower Bengal, Bombay, Madras, Eastern Bengal and Assam, United Provinces, Punjab and Burma	7
(e) By the nobles and great land-owners of the above-mentioned seven provinces, by rotation	2
(f) By the All-India Congress Committee	2

(*iv*) Non-officials to be nominated by the Viceroy to represent minorities or special interests	4
(*v*) Experts to be nominated by the Viceroy when necessary . .	2
TOTAL .	35
His Excellency the Viceroy	1
	36

(4) Yes.

(5) Yes, by rotation, *vide* answer to question 3. An electorate of all land-owners in the province paying a land revenue of Rs. 2,000 and over to be constituted for electing the aforesaid members.

(6) Class representation not advocated.

(7), (8), and (9) Yes, we advocate an increase in the number of the members of the Punjab Provincial Legislative Council. The Council should, in the opinion of this Association, consist in future of 26 members and be constituted as under:—

(*i*) Nominated officials	13
(*ii*) Elected members—	
(*a*) By the Punjab Chamber of Commerce	1
(*b*) By the Indian Association of Lahore as representing the District Association of the province	1
(*c*) By the graduates of the Punjab University (graduate of more than 5 years' standing)	1
(*d*) By the Senate of the Punjab University	1
(*e*) By land-holders paying land revenue of Rs. 500 a year or over and all payers of income-tax of not less than Rs. 100 per year	3
(*f*) By the district boards	1
(*g*) By the municipalities	1
(*iii*) Non-official members to be nominated by the Lieutenant-Governor to represent minorities or special interests	2
(*iv*) Expert to be nominated by the Lieutenant-Governor when necessary	1
TOTAL .	25
His Honour the Lieutenant-Governor	1
TOTAL .	26

(10) As regards the system of election it need hardly be mentioned that the members referred to in head (II), sub-heads (*a*) to (*d*), would be elected by the different bodies which they respectively represent.

For purposes of election of members for head (II), sub-head (*e*) this Association suggests that the whole province be divided into two groups, and that each group should elect by rotation from amongst the land-holders and income-tax payers of that group. Similarly as regards the district boards and the municipalities, the system of election that this Association would advocate is that these bodies, too, may be divided into two groups, and that each group should have, by rotation, the right to elect its representatives to the council.

(11) and (12) This Association does not advocate separate representation of class.

(13) Yes, with the right of demanding division extended to non-official members.

(14) Yes, this Association advocates the discussion of Provincial Budget in the local Legislative Council by separate heads.

(15) Yes.

Answers to questions in connection with Government of India letter no. 2310—2317, dated the 24th August 1907.

I. (1) In the opinion of the Anjuman-i-Islamia, Ambala, the proposed Imperial Advisory Council is likely to prove of great service to the country. No alterations are proposed, but it is respectfully suggested it should be fairly representative of the various communities and classes which occupy an important place in the country. It is also suggested that though no formal powers of any kind may be vested in the council, some sort of right of interpellation and putting forward proposals and suggestions for the consideration of Government may be conceded to the members so that the objections as to the council being a purely ornamental body may be removed. The proceedings may, however, be kept confidential as proposed.

II. (2) The proposed Provincial Advisory Councils are also considered by this Anjuman as useful institutions, subject to the foregoing remarks, at least one-half of such members in the Punjab being Muhammadans.

III. (3) The Anjuman approves the proposed enlargement of the Imperial Legislative Council. No modifications are suggested in the scheme sketched out in paragraph 12 of the letter, except that under head D (*d*) four elective seats may be fixed for Muhammadans instead of two. As is at present proposed in paragraph 12 it is not likely that out of the 23 non-official members more than 5 would ever be Muhammadans, and this small proportion is hardly commensurate with the number and the political and historical importance to which the Muhammadan community is entitled in Indian polity.

(4) The Anjuman approves of one member being elected by the Provincial Legislative Council.

(5) The Anjuman approves the selection of one of the great land-owners of this province to the Imperial Legislative Council. This should be by election through an electorate consisting of land-owners paying land revenue not less than Rs. 5,000 per annum.

(6) As has already been suggested, this Anjuman considers that the number of Muhammadans may be raised to 6 instead of 4. That is to say, four Muhammadans may be elected and two may be nominated. The election should be confined to the Muhammadan non-official members of the Provincial Legislative Council.

IV. (7) This Anjuman advocates an increase in the present number of the members of the Punjab Legislative Council. The figure may be raised to 21, excluding the Lieutenant-Governor of the Punjab. Out of the 21 members 11 may be officials and 10 non-officials.

(8) Out of the 10 non-official members 4 may be appointed by nomination and 6 by election.

(9) The Anjuman would advocate a fixed rule determining the proportion of seats to be allotted to each class. The Anjuman would propose the following allotment :—

Of the four seats to be filled by nomination 2 may be allotted to Muhammadans and 2 to other communities. Nominations should be made of such magnates and big persons of high social status who do not like to stand for election.

Of the six seats open to election 3 may be reserved for Muhammadans and 3 for other communities. The Anjuman is of opinion that for all political intents and purposes the Sikhs are a portion of the Hindu community and no special provision need be made for them. But if it be decided to give the Sikhs a distinct status, of the latter 3 seats one may be given to them.

(10) The election should in no case be through the district boards and municipal committees in the Punjab. These bodies, as at present constituted, need considerable change and reform on the lines sketched out in paragraph 22 (*c*) of the letter. In any case, such bodies are constituted for a certain narrow and local purpose, and it would be unwise to entrust them with any functions affecting the larger administrative questions such as returning members to the Provincial Legislative Councils. However, in provinces where such a function has already been conceded to such bodies it may be maintained, subject to the condition that the member returned must possess certain qualifications which must be fixed high enough in order to ensure that only men of real substance and status are returned to the councils.

For the election of Muhammadan members the Anjuman would suggest the electorate to be the same as has been proposed in paragraph 17 of the letter. Instead of the lists being prepared on a district basis, three lists may be prepared in the Punjab, one list for each of the three classes mentioned in paragraph 17 of the letter. And as there would be three Muhammadan members to be returned, let each class return its own representative so that each of the three classes may have one member.

On the same lines electorates may be formed for the election of the remaining three members by the other communities.

(11) The Anjuman certainly advocates separate representation of classes and religions. Representatives of each class may be elected as provided in paragraph 22 (*b*) whenever necessary. The Anjuman would certainly advocate the proposed changes in the constitution of municipal and district boards in the manner indicated in paragraph 22 (*c*).

(12) The Anjuman is of opinion that there should be a separate representation of Muhammadans as stated above.

V. (13) The Anjuman considers the proposed alteration in the system of discussing the Budget in the Imperial Legis'ative Council as desirable.

(14) The Provincial Budget should also be discussed by separate heads in the same manner suggested in paragraph 23 of the letter.

(15) The Anjuman advocates the introduction into the Punjab Legislative Council of the power of interpellation by the members.

IJAZ HUSSAIN, *President,*

Anjuman-i-Islam, Ambala.

Translation of the answers received from S. B. Jiwan Singh, C.S.I., Shahid of Shazadpur.

(1) The proposal made by the Government of India regarding the appointment of an Imperial Advisory Council is indeed a good one. I consider it to be very serviceable to India. I suggest no alterations in the proposal made.

(2) The Provincial Advisory Council also would similarly be very beneficial, and I propose no alteration for it.

(3) The proposal for enlargement of the Imperial Legislative Council is also good. It would enable the leaders of the different classes, races, and occupations to make known their views and wishes to Government more freely. But I do not agree with the schemes proposed for its constitution in paragraph 12, parts D (*d*) and E, because the special election of Muhammadans under the above two sub-sections would be prejudicial to the other classes.

(4) Of course it is desirable that the Provincial Legislative Council should appoint one member—a native of this province—a member in the Imperial Council.

(5) One of the great land-owners of this province should be elected as a member of the Imperial Council and who should be elected by the zamindar members of the Provincial Council.

(6) There appears some special favour towards the Muhammadans, and on this I have given my opinion in the answer to question no. (3), otherwise I gladly agree with the Government in their policy.

(7) In my opinion the present number of members should be increased, and the number increased should be taken from among the jagirdars, land-owners, rich people paying more than R500 as land revenue or an income-tax more than R100, traders, educated people, municipal and district boards members. The appointment of the Government servants should be made by the Government themselves.

(8) The appointment by election is in my opinion the best system.

(9) The Government should consider the circumstances before deciding the proportion of the seats.

(10) and (11) These questions have been answered in no. 7.

(12) I have no suggestion on this question. The Government should consider the opinion of some Muhammadan gentlemen in this matter.

(13) I agree with the proposal made by the Gevernment of India.

(14) Yes, in my opinion it should be so.

(15) Yes, in my opinion the power should be conferred.

S. JIWAN SINGH, SHAHID, C.S.I.

Translation of the answers received from Sardar Bahadur Harnam Sing, Honorary Extra Assistant Commissioner of Kharar.

(1) I heartily agree with the proposal regarding the appointment of Imperial Advisory Council mentioned in paragraphs (4) and (5), and I humbly request that the council would probably not make an illegal use of its powers on the discussion of any important matter put before it.

(2) I strongly support the proposal of the Provincial Advisory Council and hope the introduction into the council of the powers of interpellation for guidance of the Provincial Government.

(3) The proposal of the increase of the number and power of members is of course good, but I beg to request that regard should be had of the higher classes, religions, and races, as far as possible, in making these appointments.

(4) I agree with the proposal made in paragraph (13).

(5) Of the suggestions that have been made I prefer that the land-holder members of the Provincial Council should select a representative for the Imperial Council from among themselves.

(6) It is the best proposal of the Government in return of the loyalty shown by Muhammadan community, and in my opinion a Muhammadan electorate should be constituted of the persons who pay an income-tax of R1,000.

(7) I am of opinion that the number of members should be increased so that people from high classes and religions may have access to the council.

(8) I propose that some of the members should be appointed by the Government themselves as has been done heretofore and a greater portion to be taken according to the income-tax returns, etc.

(9), (10), (11) I agree with the proposal pointed out in paragraph 32 (*c*).

(12) I am of the same opinion which I have expressed in reply to question 8 and which is according to paragraph 18.

(13) The alteration suggested in paragraph 23 would indeed lessen the difficulty felt in regular discussion.

(14) I agree with this.

(15) The power of interpellation by members should necessarily be introduced.

S. B. S. HARNAM SINGH,

Honorary Extra Assistant Commissioner,

Kharar.

Translation of the answers received from Sardar Miyan Anrodh Singh, Rais and Honorary Magistrate of Ramgarh.

(1) In my humble opinion the Imperial Advisory Council would be beneficial to the people as well as to the Government. I agree with the proposals made in paragraph 5; there appears no necessity of any alterations.

(2) The Provincial Advisory Council would equally be very useful to the country, and there appears no necessity of any modification in the proposals made in paragraph 6 regarding its constitution and powers.

(3) An enlargement of the Imperial Legislative Council is, in my opinion, necessary. But one-half of the members should be taken by nomination and the other half, all of whom must be from among the people of different classes, by election.

(4) I agree with the proposal that one unofficial member by the Provincial Legislative Council should be elected as proposed in paragraph 13.

(5) I am of opinion that one of the great zamindars from the province should be selected for the Imperial Council, and I prefer that the land-holder members of the Provincial Council should elect one unofficial member for the Imperial Legislative from the province.

(6) I agree with the proposed appointment of 4 Muhammadans to the Imperial Council, two of the members should be taken by nomination and the other two by election as described in paragraph (18) (*b*).

(7) In my opinion the number of the members for the Provincial Legislative Council should be doubled.

(8) I propose that one-half of the members should be appointed by nomination and the other half by election who will be unofficials.

(9) I am of opinion that each class should have seats according to their population.

(10) The election of unofficial members should, in my opinion, be made by the district boards in such a manner that the people of different classes and clans may have no reason to complain.

(11) I would propose separate representation by each class as described in paragraph 18(c).

(12) I think provision should be made for the separate representation of Muhammadans by election in the manner described in paragraph 17.

(13) I agree with the proposal made in paragraph 23.

(14) The Provincial Budget should be discussed in the Punjab Legislative Council by separate heads as suggested in paragraph 23.

(15) The power of interpellation by members should be introduced into the Punjab Legislative Council.

S. MIYAN ANRUDH SINGH,
Rais and Honorary Magistrate, Ramgarh.

Translation of the answers received from Bawa Harbaksh Singh, Bedi, of Rupar.

Answer to question no. I.—I quite agree with proposals made in paragraphs (1) to (4), but I will briefly discuss about the qualifications and election of the members in the answers to other questions. As to paragraphs (5) to (6) I think the Government can neither be fully aware of the requirements and of the difficulties felt by the public unless some powers are conferred upon the members, nor the Council would be so beneficial as it should be. The members should at least have a right to submit the grievances of the public to have them remedied.

As to paragraph (7).—Any proceeding kept secret from the subject will be deemed to be so kept on account of want of confidence; and 2, if for some reason it is kept secret the result should necessarily be published.

Answer to question no. II.—The main point for consideration in this question is whether the proceeding should be kept secret from the subject or not, and to keep it secret would or would it not be against the objects of the council. The appointment of the council is on the whole necessary. The members can have no opportunity of expressing their ideas to others unless they find an opportunity of sitting together for discussion. A few meetings during a year would suffice for this purpose, otherwise it can in no way serve the main object of extirpating misderstandings and prejudicial ideas. The members for the Provincial and Imperial Councils should, in my opinion, be different persons. The members for the Imperial Council should be selected from among the highest classes and those for the Provincial Council from other higher classes. It is not good to prefer the ruling Chiefs and land-holding classes merely for their wealthiness and zamindari without considering their special abilities. If the above two classes cannot supply the number required, the deficiency should be made up of the educated men, Government pensioners, and other experienced men. Regard should be had of the commercial class.

If a matter is considered necessary to be communicated to others, it would be better to discuss its minor detail in a meeting beforehand.

Answer to question no. III.—I have no objection about A, B, C, D, A (2) and (*b*). But about C (2) I request that there must be members from among educated and others besides those from the land-holding and ruling Chiefs' classes.

As to D, it seems improper to make a special selection from a particular religion or race, and it would likely cause an enmity. The people of every religion or race are just like the sons of the same parent (the Government), and a special favour towards any one of them will probably cause an enmity among them, and will make them suspicious of the parent. Moreover, to limit the number of Muhammadan members would cause their disappointment while they are successfully making improvements.

It seems therefore against the justice to limit their number. If the Muhammadans are entitled to some special favour on account of some historical points, then the Rajput on the same grounds and the Sikhs for their military services are also entitled. The members from

the different classes should be taken according to their population so that no religion or race may raise an objection.

As to paragraph IV of question (3).—The method proposed appears good, and I have no objection to it.

As to paragraph V of question (3).—This member should, in my opinion, be other than a member of the Provincial Council.

The educated classes and others and the Provincial Council members should get an opportunity for this election.

Answer to paragraph VI of question (3).—I regret to say that I cannot agree with the special favour shown towards a particular religion for the reasons which I have briefly expressed under head D of question no. (3).

If this special favour is necessary to be given effect to, then the member should be selected by the Governor-General and the rest to be selected by the Fellow of a University in the manner described in paragraph 18(*b*).

Answer to question (4).—The proposal made by the Government as to the enlargement of the members is in my opinion good.

Answer to paragraph VIII.—The proposal made by the Government to the election of the members is no doubt good, but other members should, in my opinion, be selected from a committee sent from every district. The committee to select members for the Provincial Council. The members should be officials and unofficials, this does not matter.

Answer to paragraph IX of question (4).—A reply to this has been given above.

Answer to paragraph X of question (4).—The state of the municipalities and the district boards in the Punjab is not satisfactory, hence I do not support the method proposed. The question of election has been discussed above.

Answer to paragraph XI of question (4).—With reference to paragraph 22, I agree with the proposal mentioned therein for the following reasons. The election of members should be made from among educated and respectable men.

The members from different occupations should be taken according to the occupations on progress in the province. Four seats to be given in my opinion to land-holders, cultivators and artizans, but such members should be educated men and can well understand the country affairs.

Answer to paragraph XII of question (4).—I have fully discussed the question above. The method of election is in every way good.

Answer to question (5) and paragraph XIII.—The proposal of discussion on the Budget as entered in paragraph 23 is very good and beneficial.

Answer to paragraph XIV in question (5).—The Budget should be discussed by separate heads.

Answer to paragraph XV.—The members should get the power of interpellation.

HAR BAKHSH SINGH,

Bedi, of Rupar.

Opinion recorded by Lala Bishambar Dyal, Revenue Extra Assistant Commissioner.

With a few exceptions the ruling Chiefs in India are not sufficiently educated and enlightened and many of them are too much engrossed in a life of ease and luxury. The administration of their own States is generally carried on with the help of outsiders and under the supervision and control of residents and political agents. I do not think that such ruling Chiefs would be in a position to give sound and independent counsel in the administration of the whole country. The same remarks apply to many of the other territorial magnates. So I think that an Advisory Council formed of such a large number of members as 60 and composed of only the ruling Chiefs and territorial magnates on the lines laid down in paragraph 5 of the Government of India letter would not serve any useful purpose at all.

But a small council, composed of say two members taken from each province, may work on fairly wel if the members appointed are men of education and experience, whether they are ruling Chiefs or territorial magnates, or other educated men of position and influence. These members may be selected from the members of the Provincial Advisory Councils and the term of office of each may be fixed at two years so that members of all classes and of all views may have a chance of serving on these councils.

The proceedings of the council may be kept private and confidential so long as the subjects taken under consideration are not taken up for action, but I am of opinion that as soon as any action is taken on them the opinion of the members should be published in full for the information of the people at large so that the views and opinions of the members may be subjected to popular criticism, and their good and bad merits tested according to popular standard.

II. (2) Provincial Advisory Councils would be very useful if they include representatives of the land-holders as well as representatives of industry, commerce, profession, and all other interests in the province, as contemplated in Government of India letter, paragraph 6.

III. (3) I see no objection to the enlargement of the Imperial Legislative Council. In a large country like India divided into so many provinces and peopled by many castes and creeds the number of members for the Legislative Council can and may safely be increased to any extent. But I think that the total number may be kept at an odd number, say 52 members, and one His Excellency the Viceroy, so that the total number may (? stand) at 53.

I quite understand the advisability of maintaining a majority of officials in the Legislative Council, but I think that there is no need of keeping such a large majority as is contemplated in the scheme laid down in paragraph 12. It would, I think, be quite sufficient if of a council of 52 members 26 are officials and 26 non-officials. I would include the 1 ruling Chief and 2 experts among the non-officials. The ruling Chief and the experts would of course be appointed by the Viceroy. Thus there would always be an official majority in the council, and His Excellency the Viceroy would be at the head of the council to give his casting vote and order after hearing to all the parties.

III. (4) Yes, one member should be elected by the Provincial Legislative Council.

III. (5) and (6) It is very good to have representatives of land-holders and of Muhammadans, but I think it is also necessary that representatives of other classes and communities in the country should also be adequately represented. Ample provision seems to have been made for the representation of land-holders and Muhammadans as actors, but there is nothing, or very little, to safeguard the interests and to have the representation of commercial, industrial, and professional classes. Sikhs in the Punjab, Marhattas in the Bombay and Central Provinces, and Parsis in the Bombay Presidency are, I think, as good and influential classes as landlords and Muhammadans. In my opinion, therefore, there is no necessity of making any class distinction in the elected representatives of the people to the Legislative Council. But the Government may by nomination appoint representatives of minorities and of special interests if these classes are not adequately elected by the people themselves. This can, I think, be easily done. I have said above that 26 may be fixed in the number of non-officials. This may be taken as below :—

Elected (16).

(*a*) By Chambers of Commerce	2
(*b*) Elected by Provincial Legislative Councils	7
(*c*) Elected by the people	7
	16

Nominated (10).

(*d*) Ruling Chief	1
(*e*) Experts	2
(*f*) Others to represent minorities and special interests (1 from each province)	7
	10

Now out of the 14 members elected by the Provincial Legislative Councils and the people some members would, as a matter of course, be those who represent the special interests of land-holders and Muhammadans and be members of those two classes. This would certainly be the case in those provinces where the majority of the population consists of land-holders and of Muhammadans. If the Government, however, finds that the elected members do not include a sufficient number of those and other classes who should be represented on the council then the Government can appoint such members by nomination under class (*f*).

IV. (7), (8), (9), (10), (11), (12) *Provincial Legislative Council.*—Yes; I think an increase in the number of members of the Provincial Council is necessary. Twenty members, with His Honour the Lieutenant-Governor as President, would, I think, be sufficient and not too many for a province like the Punjab. Half of the members may be nominated and the other half (10) may be elected.

In my opinion representation by classes and creeds is not necessary and not politic. All the members to be elected by the district boards and municipal committees, but the qualifications of the electors and the members should be increased. They are very low at present. All classes and creeds are, I think, adequately represented in the district boards and municipal committees, and in those places where the Muhammadans form the large number of population they must have the larger number of members. So if district boards and municipal committees be authorized to elect members for the Legislative Council, they will, on the whole, be able to send up members of all classes and creeds according to their proportion in the general population. If the Government find that Muhammadans or any other classes have not adequately been sent up by election, the Government may nominate some members of those classes to make up the deficiency.

V. (13.) *Discussion of the Budget in the Legislative Council.*—Yes; I think that the system of discussing the Budget suggested in paragraph 23 of the Government of India letter would be an improvement.

V. (14) The Provincial Budget may also be discussed in the Provincial Legislative Council by separate heads as in the case of the Imperial Legislative Council.

V. (15) Members of the Imperial Legislative Council, and probably members of the Legislative Councils of some other provinces, have long enjoyed the powers and privilege of interpellation, and I see no reason why the members of the Punjab Council should not be given that privilege. The Punjab has now sufficiently advanced in education and experience, and it would be a good thing if the Punjab members also are now placed on the same footing as their brethren in other provinces.

Dated Ambala, 12th September 1907.

From—MUHAMMAD MAHMUD ALI,

To—The Deputy Commissioner, Ambala.

I have carefully read the accompanying correspondence sent to me to write down my opinion upon. I can possibly suggest no alterations in the rules already prescribed by the Government of India, because they are quite complete in themselves and are based entirely for the benefit of the Indians. But I cannot refrain to submit that in my humble opinion there should always be two members in the councils, whether Imperial or Provincial and local. If there is one member only of one community, it would be a matter of complaint to other community. The difference of religion is so rife nowadays in India that it does not look safe to admit one man of one community in the Councils and not admit the man of other community in the councils.

In my opinion two ruling Chiefs should be nominated by the Viceroy, one Hindu, another Muhammadan. Similarly, in the Provincial Councils there should be allotted two members from each province and not one. In this case the number of members, 7 for 7 provinces, should be raised to 14, and 2 members for each province. It is no matter if Burma may have one member as the Muhammadan community is not so much in that one province.

For the present I cannot recommend the election system because the Indians have not yet proved themselves fit to work impartially and satisfactorily. The selections by the Governments would be the safest system, and will leave no room for complaint to any one in India.

The Muhammadans are generally poor, therefore the rule of wealth should not apply to them strictly. Some leniency might be shown unto them in this respect.

Otherwise I quite agree with the rules framed and wish them success with respect.

MUHAMMAD MAHMUD ALI.

From—Mr. R. F. MITRA, Extra Assistant Commissioner,

To—The Deputy Commissioner, Ambala.

In reply to your no. 899-M., dated 2nd October 1907, asking for my opinion on the question of the expansion of councils, I have the honour to say that I have no opinion to offer, as in my opinion the present constitution for the councils is quite adequate for the requirements of the country and does not stand in need of improvement or expansion.

(2) If, however, the Government in its wisdom does decide upon giving effect to the scheme, I do hope that the right of election of members of council will be restricted to the educated as I believe in Bismarck's maxim "everything for the people; nothing by them," and think that extension of the privilege of election to the masses would only tend to add to the worries without any counterbalancing advantage.

R. F. MITRA,

Extra Assistant Commissioner.

No. 294-R., dated Delhi, the 26th November 1907.

From—R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi District,

To—The Commissioner, Delhi Division.

With reference to your circular endorsement no. 215, dated the 2nd October 1907, asking for opinions on the proposals made for giving the people of India wider opportunities for expressing their views on administrative matters, I have the honour to report as follows :—

2. It is a matter for regret that so short a time was allowed for consideration of the proposals which are rightly considered by the people generally to be of vital importance. The papers reached my office on the 4th of October : and vernacular copies of the letter and its enclosures only arrived, in time for my letter to issue to several of the people I wished to consult, on the 25th October. This left very little time for the people I consulted to think over the proposals, and consider them with the members of their association or brotherhood as my reply was due in your office on the 20th instant.

3. I now enclose copies of the English replies I have received and the original vernacular replies with copies of their abstract translations. I have endeavoured to obtain opinions from all the leading associations and classes of people of whom the following have responded :—The Punjab Chamber of Commerce, the Anjuman Muayid-ul-Islam, R. B. Lala Sheo Pershad, and Hardhian Singh, as representing the Khatris ; Mr. Raj Narain, Barrister-at-law, as representing the Kaisths ; L. Ishri Pershad, as representing the Jains ; Chaudhri Rughnath Singh, R.B., as representing the agricultural interest ; Haji Abdul Ghani, as representing the Punjabi Muhammadan community in Delhi ; K. B. Ghulam Muhammad Hasan Khan and Hakim Muhammad Ajmal Khan, as representing the Muhammadan community generally ; and Pandit Banke Rai, as representing the Pandits of Delhi. In each case the individual addressed was requested to consult his community or brotherhood.

4. I now proceed to take up the list of questions propounded by the Punjab Government.

I. (1) *Imperial Advisory Council.*—There is a concensus of opinion that such a council would be beneficial to the country at large, but several amendments are suggested. It is proposed that this council should consist purely of ruling Chiefs and territorial magnates. It is not apparent why it is proposed to exclude commerce, industry, capital, and learning from representation on this council, and it seems to me that if the council is to carry weight in its advice and command the greatest possible confidence on the part of the people at large, the sphere of selection of members should be increased so as to include representatives of the other great interests of the community as well. The number of ruling Chiefs might be reduced from 20 to 10 and the remaining 50 chosen—40 from territorial magnates and 10 from representatives of other interests. All members of the Imperial Advisory Council, other than ruling Chiefs, should be selected from the Provincial Advisory Councils.

The proposals make no mention as to how collective deliberations of the Imperial Advisory Council should be conducted, but apparently the intention is, they should be carried on without official intervention, such as is provided for in the case of the Provincial Advisory Councils. The reason for the difference in the procedure proposed for the two councils is not very clear, but it seems to me that, provided it is arranged that the best official advice is available for explaining proposals referred to the councils for the opinion, they should be left to themselves as far as possible in their deliberations ; as the more they are unfettered by official interventions in their sessions the more unbiassed the opinions are likely to be as generally representing the feelings of the community at large.

A point to which exception has been taken in many of the opinions is that the Advisory Councils are to have no powers of initiative. I can quite see the force of those objections, but I also see the difficulties which loom up on the other side. These two appear to have been present in the minds of the persons whom I consulted for they usually do not advise that an unfettered power of initiative should be conferred. It seems to me that if these councils are ever to have any real vitality and to fulfil the object for which they have been designed, some power of initiative, subject to proper safeguards, must eventually be granted, if not at the beginning, at any rate within a reasonable time after they come into existence. From the very first we must recognize this important eventuality as a goal to be attained.

There should, I think, be regular times of session for the councils when questions for their collective deliberation would be considered by them. This question seems to me important if the councils are to be of any real use.

II. (2) *Provincial Advisory Councils.*—Much of what I have said regarding the Imperial Advisory Council applies to the proposals for Provincial Advisory Councils also as I have explained above. There is only one point to which I wish to refer here. Towards the end of paragraph 7 of the Government of India letter it is said : "In their capacity as advisers they will be consulted as to measures which may eventually assume legislative shape. I think it would be advisable if it were provided that they might be consulted also about bills after they had

been drafted. At times they might be able to give valuable advice as to the drafting of a measure and foresee pitfalls or undesirable results which should be provided for and which might possibly escape the notice of an official.

III. (3) *Imperial Legislative Council.*—There is a general consensus of opinion that the Imperial Legislative Council should be enlarged on the lines indicated, but there are many different suggestions on matters of detail. I certainly agree that the number 54 may be accepted at present as the maximum number of members. I strongly support the recommendation made by the Punjab Chamber of Commerce and also referred to by the Punjabi Muhammadan community that another seat on the council ought to be given to the other Chambers of Commerce outside Calcutta and Bombay. The Punjab Chamber asks for two extra seats, one for a representative of the three Chambers in Northern India and one for the two Chambers in the South Madras and Rangoon. I think, however, that three seats on the Council for representatives of Chambers of Commerce ought to be sufficient, and I would recommend that the three chambers in Northern India should form one group and the two in Southern India as second group, each group selecting a member alternately. To provide for this extra member I would reduce class F, experts, from 2 to 1 which ought ordinarily to be sufficient for all practical purposes.

(4) I approve of the proposal that one member should be elected to the Imperial Legislative Council by the non-official members of the Punjab Legislative Council.

(5) I approve of the selection of one of the great land-owners of the province as a member of the Imperial Council.

For the present I recommend that selection should be by nomination by the local Government or perhaps by the Provincial Legislative Council acting as a whole. While I am of opinion that no satisfactory electorate could at present be devised for the purpose of selection by election, yet, if such is decided on, then it seems to me that the basis of the electorate must be the amount of land revenue paid. I consider that an electorate of about 150 is sufficient and accordingly would limit it to those paying Rs. 5,000 land revenue, and upwards, per annum.

(6) Though some of the replies which I forward deprecate any distinctions based on religions, yet I consider that the circumstances are such as demand that these distinctions should be made. Interests in this country are distinguished as much by religion as by calling, and it is important that all interests should be represented according to their importance. I accordingly approve of the proposal that four seats should be reserved on the council for Muhammadans. Some of the Muhammadan communities consulted consider that that number is not sufficient, but with this I am not able to agree. In the ordinary course of events a considerable number of the other members of council will be Muhammadans, and there is no reason for supposing that in the enlarged council the proportion of such Muhammadan members would be smaller than it is at present; the addition of four more seats, therefore, appears to be ample to secure the due representation of Muhammadan interests.

I also agree that at least two of the four should be nominated, in fact I should prefer that all should be nominated. One electorate for the whole of India seems to me to be, at present at any rate, impracticable. Some sysem of rotation would have to be devised and the electorate and election confined to a single province, *i.e.*, two provinces at a time would each select one member.

It seems to me that it should be accepted as a principle in evolving an electorate that no one person should have more than one vote, *i.e.*, if he is entitled to vote as a land-owner he ought not to have another vote as a Muhammadan, or if he votes as a non-official member of the Provincial Legislative Council he ought not to have another vote as a Muhammadan non-official member. To negative such a principle would, in my opinion, be to give an undue prominence to Muhammadan interests. This principle would therefore, according to what I have recommended above in answers to questions 4 and 5, exclude from the electors the Muhammadan non-official members of the Provincial Councils and Muhammadan land-owners paying Rs. 5,000 land revenue and upwards. There are accordingly left, of the classes mentioned in paragraph 18 of the Government of India letter, the Muhammadan Fellows of the local University and income-tax payers. I doubt if this would prove a satisfactory or representative electorate, and I do not see how it could be improved. I should therefore be inclined to abandon this classification entirely and to constitute as an electorate all the Muhammadan Durbaris not being officials in the service of the Government and not being otherwise entitled to vote. It seems to me that in our Durbar lists we possess an electorate composed of men who have been carefully selected before hand on a uniform basis and which has the merit of being fairly representative of the province. I think it is self-evident that if such an electorate is chosen Government officials should be debarred from voting, but I see no objection to a retired official entitled to a seat in Durbar being given the privilege.

IV. (7) I think it would be advisable to make some increase in the members on the Provincial Legislative Council. At present it is nine, plus the Lieutenant-Governor, of whom

one-third must be non-official. The non-officials are accordingly limited to three. I would increase the non-officials to six as I shall explain below. It is not, I think, necessary to maintain the proportion of two to one at present existing between official and non-official members. I would increase the official members to 10, plus the Lieutenant-Governor. The total strength of the council would accordingly be 17 including the Lieutenant-Governor.

(8) Subject to the exceptions which I shall refer to in answering question 10, I would certainly maintain the present system of nomination. I do not think the Punjab is yet sufficiently advanced to permit of the elective principle being introduced with satisfactory results. If it were generally introduced, it is almost certain, I think, that in the present state of society in the Punjab the best men would not come forward as candidates. This, I consider, has been sufficiently demonstrated by the attempts which have been made at various times to introduce the elective system in the Punjab.

(9) If the principle of class representation on the Imperial Legislative Council is admitted, as I think it should be, it seems to me to follow that the same principle should be followed in the case of the Provincial Legislative Council. I have said that there should be six non-official members whom I would describe as follows:—

Three territorial magnates, a Hindu, a Muhammadan and a Sikh, of whom one should be a ruling Chief or high official from one of the Native States; one representative of the Punjab Chamber of Commerce; one representative of the Senate of the Punjab University; and one representative of the large municipalities in the Punjab, *i.e.*, Delhi, Lahore, Amritsar, Multan, and Simla. The Punjab Chamber of Commerce is a young institution, but it has already, I consider, justified its existence, and its importance and influence are bound to increase. It should certainly be encouraged as a useful institution and I certainly think it should be allowed to send a member to the Provincial Council. As regards the Punjab University, though there is force in the objection to introducing political element into a body which is constituted purely for educational objects, yet I think it is possible to give too much force to it, and that there are advantages on the other side which more than outweigh the drawback referred to. To admit a representative of the Senate would not be to depart from established principles in other countries, and considering how largely educational interests bulk in the welfare of the community at large and the special qualities which might be expected to be possessed by the University representative, I am strongly in favour of the proposal. I do not think I need say much in favour of my recommendation that a representative should be taken from the large municipalities of the Punjab. Here too we should be following well-established practice. On the other hand, I consider that our district boards contain no elements at present which would entitle them to separate representation. The two territorial magnates to be chosen from the Punjab districts sufficiently represent their interests.

(10) As I have stated before, I think that nomination should be the general rule, but in the case of the Chamber of Commerce and the Senate I should allow those bodies to select their own representatives. For the Native States' representative nomination must necessarily be relied on. For the other two territorial magnates also I consider nomination to be the only reliable method at present; otherwise if election must be resorted to I would fall back on the Darbar lists, the Hindu, Muhammadan, and Sikh Darbaris, respectively, forming a separate electorate each for their own representative who should, however, be a territorial magnate.

As regards the municipal representative, here, too, I would strongly recommend nomination, otherwise I would allow the members of each municipality in turn to select a member for the council. I do not consider it necessary to alter the constitution of the municipal committees concerned as the existing constitution in practice appears to secure a fairly equable representation of interests. Furthermore, it appears that as regards the elected members of the municipal committees we are practically bound to adopt local rather than class distinction, the balance being kept by a judicious selection of the nominated members.

(11) and (12) See 10 *supra*.

V. (13) I agree to the suggestions made in paragraph 23 of the Government of India letter regarding the discussion of the Budget in the Imperial Legislative Council; but

(14) I do not think the time has yet come when the Provincial Budget should be discussed in the Punjab Legislative Council; nor

(15) do I recommend that the power of interpellation by members should be granted. The Punjab Council is the youngest of the Provincial Councils in India, and is only ten years old. I think quite sufficient changes have been recommended for a start and that we ought to wait before proceeding further. In a matter of this kind the maxim "slow and sure" appears to me to be peculiarly applicable.

R. HUMPHREYS,

Deputy Commissioner.

Copy of a letter, dated the 6th November 1907, from Abdul Ahad, Honorary Secretary, Anjuman Muayid-ul-Islam, Delhi, to R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi District.

With reference to your circular no. 1371, dated the 17th October 1907, enclosing a copy of the Punjab Government letter no. 2643-S., dated the 27th September 1907, and a copy of the Government of India's letter embodying proposals for the extension of the Indian Councils and the establishment of an Imperial Advisory Council, I have the honour to inform you that I have laid the same before the managing committee of the Anjuman Muayid-ul-Islam, Delhi. I am desired to convey to you the thanks of the Anjuman for having given them an opportunity of expressing their views on the important proposals under the consideration of the Government, and to submit the enclosed answer to the questions set forth in the list attached to the letter of the Punjab Government. These answers embody the opinion of the Anjuman on the extension of councils and the suggestions it has ventured to make in certain matters connected therewith. The general principle of giving the people of this country wider opportunities of having their voice heard is worthy of every commendation, and the Anjuman deeply appreciates the spirit of the proposed reforms.

From the Anjuman Muayid-ul-Islam, Delhi.

Special meeting held on 6th November 1907.

Held that in accordance of Punjab Government letter no. 2643-S., dated 27th September 1907, the following opinion from this Anjuman on the questions put in Government of India's letter dated 24th August 1907, received for expression of opinion, be forwarded to the Government through the Deputy Commissioner, Delhi.

I. (1) *Imperial Advisory Council.*—This Anjuman believes that an Imperial Advisory Council on the lines sketched in paragraph 4 of the Government of India's letter will be of service to the country. This would serve as a necessary medium between the Government and the subject, provided persons be nominated who are fully qualified to perform this duty. As regards the proposals made in paragraph 5 regarding its constitution, the Anjuman fully agrees with proposals nos. 1, 2, and 4. No. 3 that the council should consist of sixty members out of whom twenty to be ruling Chiefs, the Anjuman agrees, but in the number of the representatives from each province besides the land-holders of dignity and status, other classes of people should also have a sufficient number of the representatives.

As to proposal no. 5.—It would be very well to vest the council with some formal power (whether it be very small) as it would render general satisfation to the public. Special provisions and restrictions can be regulated to entrust the council with power, but it does not seem proper that such a respectable, dignified, and reliable body should not possess any power.

Proposal no. 6.—That its functions should be purely advisory, and that it should deal only with such matters as might be specially referred to it from time to time would be better —if so much be added,—that in special cases the council would be entitled to refer to Government for consideration any matter which the two-thirds of the members consider to be of public interest.

Proposal no. 7.—It is not improper that for some time it be tried as a test whether it is advisable to have the proceedings of the council generally confidential. But if it be requested that they should be published as a rule, the Anjuman believes that the request would not be unreasonable; because such publication of the proceedings would render the influence of the council far more extensive.

II. (2) *Provincial Advisory Councils.*—These councils would also be useful; but they would be more useful if, instead of the proviso that the Government should be at liberty to consult the members either individually or collectively, the rule be that it must always be consulted collectively. The Government of India has itself preferred the latter case, which therefore should be laid down to be the rule without any exception. In the former case it is quite possible that the local Government may not have occasion to call together its Advisory Council for some years, and from time to time consult them by letters. Thus, after some time, these councils would lose their usefulness, and the object sought for by the higher Government, to constitute them, would not be accomplished.

III. (3) The Anjuman approves of the enlargement of the Imperial Legislative Council and proffer their utmost gratitude to Government for the proposed appointment of 4 Muhammadans as suggested under heads D (*d*) and E of paragraph 12 of the letter. The Anjuman most respectfully further requests that this number may be further increased to fulfil the object in view.

(4) The Anjuman approves of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter.

(5) The Anjuman approves of the proposal. About 100 and 150 great land-holders of the province, in respect of the amount of land revenue paid by them, should be chosen, to whom the right of voters should be given to elect a member to the Imperial Council from among their own number.

(6) The Anjuman is grateful to the Government of India for the suggestion, and approves of the appointment, half by election and half by nomination. It further requests, as hereinbefore requested under head (3), that instead of two elected and two nominated, if the number be increased to 3 elected and 3 nominated, the increment would be a greater obligation. The election of the elected members would be very well, if the electorate be each of the three as described in paragraph 18 *(a)*, *(b)*, *(c)* of the letter. The limit of the amount of income-tax *re* class of Muhammadans under *(c)* should be determined, paying due regard to the financial status of the province. There is a very small number of Muhammadans paying an income-tax on an annual income of R25,000 in this province; so the amount of income-tax to be fixed as giving the right to vote should be such that at least fifty voters of this class may be found in the province. The Anjuman believes that R5,000 income *per annum* would be a fair limit almost.

IV. (7) *The Provincial Legislative Council in the Punjab.*—The number of members should be increased, which is at present ten, including His Honour the Lieutenant-Governor. This should be increased to at least 15 or 20 at most.

(8) Under the present circumstances, the Anjuman agrees with the present system of nomination.

(9) The Anjuman recommends a fixed rule determining the proportion of seats to be allotted to each class and that each class in this province should have their representatives in proportion of the population thereof.

(10) In case election is resorted to for the appointment of some of the unofficial members, such election through municipal or district boards has not proved satisfactory. The Anjuman suggests electorates to be persons of high financial status, or possessing marked educational capacities or personal influence.

(11) The Anjuman approves of the separate representation of classes as proposed in paragraph 22 *(a)* of the Government of India letter, and fully agrees that it should be carried out in the manner proposed in paragraph 22 *(b)* and *(c)*. A general introduction of such a system would prevent the many objections existing in the system of election by municipal and district boards.

(12) The Anjuman approves of the form of electorate suggested in paragraph 17 of the Government of India letter.

V. (13) Yes; the Anjuman approves that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

(14) The Anjuman is of opinion that it would be advisable if the Provincial Budget were discussed in the Punjab Legislative Council by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

(15) The Anjuman considers that it is time to bestow the power of interpellation on members in the Punjab Legislative Council.

ABDUL AHAD,

Honorary Secretary,

Anjuman Muayid-ul-Islam, Delhi.

Copy of a letter, dated 9th November 1907, from Rai Bahadur Lala Sheo Pershad, Banker and Honorary Magistrate, Delhi, to R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi.

With reference to your circular letter no. 1371 of 17th October 1907, with the copy of Punjab Government letter no. 2643-S., dated the 27th September 1907, together with its enclosures, I most respectfully beg to send herewith my views regarding the same.

I am sorry I could not write to you earlier as I was too busy on account of Devali Festival.

To be excused for the delay.

I. (1) I consider that an Imperial Advisory Council would be of much service to the country, and I agree with the suggestions proposed in paragraph 3 of the Government of India

letter no. 2310—2317. But it would be better, I think, that the number of members be divided as follows:—

Ruling Chiefs	10
Great land-holders including also a suitable number of great nobles, heads of commercial classes, and educated persons proficient in Vernacular languages and Western sciences	50

Their vast and extensive knowledge and experience would cause a real advancement in the proceedings of the council, and they would then collectively be in a position to make the best suggestions for the welfare of their country.

II. (2) I have no doubt that a Provincial Advisory Council would be a useful institution and agree in full with the proposals made in paragraph 6 of the letter.

III. (3) I agree with the scheme and the suggestions concerning it, as sketched out in paragraph 12 of the letter.

(4) I approve of all the suggestions proposed in paragraph 13 of the letter, and agree with the proposal that one member should be elected by the Provincial Legislative Council.

(5) I consider that the selection of one of the great land-holders of this province to the Imperial Council should also be made by the Provincial Council.

(6) I second the electorate as described in paragraph 18 (*c*) of the Government of India letter.

IV. (7) I am of opinion that the enlargement of the Punjab Legislative Council is necessary: the number should be 20 exclusive of His Honour the Lieutenant-Governor.

(8) I support the present system of nomination to fill in some of the unofficial seats.

(9) If it be decided that classes of different race, caste, or religion are to be represented separately, the best way would be to allot them seats, as far as possible, in proportion to their numbers.

(10) I suggest that the Commissioner of the Division may nominate a number of respectable persons in his division, to elect a member for the council.

(11) I am of opinion that the manner proposed in paragraph 22 (*b*) is quite just.

(12) I concur in the suggestion proposed in paragraph 17 of the letter.

V. (13) I agree with paragraph 23 of the Government of India letter.

(14) I consider that the Provincial Budget should be discussed in the Punjab Legislative Council and by separate heads in the manner suggested in paragraph 23 of the letter.

(15) I am of opinion that to bestow power of interpellation on the members in the Punjab Legislative Council would work well.

Copy of a letter from Rai Bahadur Lala Hardhian Singh, to R. Hamphreys, Esq., I.C.S., Deputy Commissioner, Delhi District.

In compliance with your circular letter no. 371, dated the 17th ultimo (received on the 26th), I have the honour to submit herewith a written statement expressive of my views on the proposal of the Government of India contained in their letter no. 2643, dated the 27th September 1907.

Views of Rai Bahadur Lala Hardhian Singh re *constitution of Advisorg Councils and the enlargement of the Legislative Councils.*

(1) The first question is, whether an Imperial Council, constituted of persons qualified in all ranks of Indian society, to advise on constitutional measures would be of service to the country, and, if so, are there any alterations to be suggested in the proposals made in paragraph 5 of the Government of India letter regarding its constitution and duties. At first sight it seems to me that the constitution of such a council is not needed, because its object is already secured. Even now those who are qualified to advise are consulted on administrative matters. The advice thus given remains confidential and receives no legal force. The same is proposed for the council's recommendations, with the defect that the procedure is lengthy. On the contrary, when it is considered that the Government of India propose to admit and give effect to the claims of the ruling Chiefs, the great land-holders, and the mercantile and industrial classes; when they have recognised the abilities of the Indian

people to advise, and seeing that this ability is increasing every day, one is inclined to think that the scheme of Government of India for the constitution of such a council is worth a trial. The Ruling Chiefs, great landholders, and merchants of repute, &c., would consider it an honour to take part in the council, and prefer their gratitude to Government for this favour. The people of India would thus in the future be induced to feel their responsibility in public matters. Such a council will be useful to the public, and people will be glad of its institution. But the election of its members will require a perfect knowledge of the locality and of individual merits, otherwise the scheme will be discouraging and cause a bad effect on the country.

(2) I agree with the proposals regarding the appointment of members, but I think the number of sixty would not suffice for all India. I may note here that in the appointment of the Ruling Chiefs and great landlords as members, their dignity only was considered, and not whether they have any opinion of their own or not. In this way original views will not appear in the council, because these members will get opinions from others and submit them in the council as their own, as is already done in some cases. One should possess wide knowledge and experience to advise. I hope the Government of India will pay regard to this and will consult local Governments about it.

(4) As aforesaid, a Provincial Council is as necessary as the Imperial one, and will be useful to the latter. As for the Punjab, it can be said that the province has so much advanced as regards education, that the constitution of such a council will be of service to the public, and a selected body of members could be very easily got together. The proposals suggested by the Government of India for the constitution and duties of the council are very proper, and I hope that the Punjab Government will act with the utmost care and circumspection, for which it has a reputation, in the election of members. The number of members should be not less than 20 or more than 25. The suggestion of the Punjab Government regarding the nomination of members for the council, that the fact must not be considered whether a given class has its members in proportion, is good, and that only those should be elected who are qualified to advise, without regard to their race, caste, religion, or occupation.

(5) The third question relates to the enlargement of the Imperial Legislative Council. The Government of India after having discussed the question why extension is necessary, *i.e.*, that representatives of each class of people should be allotted seats in the Imperial Legislative Council, have dealt in paragraph 12 with the principle of representation of different classes with different aims and objects. They have also fixed the number of members for the Imperial Council, and have explained from paragraphs 13 to 19, why and on what grounds the number of each class is so fixed.

(6) I agree with the proposals suggested by the Government of India for the enlargement of the Imperial Council, but I do not agree in some points as to the number of seats allotted to each class. I very strongly urge that I am quite against the system of election, which has been the cause of many vices, and by which the object in view is not secured. I prefer nomination.

(7) I now turn to paragraph 12 of the Government of India letter. As I read the different heads in the paragraph, I find no provision for the election of those who are mostly required to take part in the Legislative Councils, *i.e.*, those who are, by virtue of their educational capacities and legal knowledge, qualified to assist in regulating law. It has been the custom from old in India that the Kings and Rajas have called for assistance from the experienced learned men of their time in matters of administration and in the enactment of law. They always recognised this as their most necessary business. If it be said that the educated class comes under the head F (experts) the number 2, fixed for them, is not sufficient. I admit that the number of advocates and pleaders should not be above the average, as at present, in councils, but to exclude them entirely would also not be wise. I also know that their opinions would in other respects have a bad effect on the consultations of the council; but it would be better that their qualifications should be openly admitted and their dignities maintained.

(8) The next point is, that I see no ground why special favour should be shown to the Muhammadan community. In paragraph 16 of the Government of India letter their proportionate numbers of their political and historical importance have been given as the grounds for this favour; but the same can be said of other communities, which have not been granted the same favours. As for instance, the Sikhs are professional soldiers who assisted the British Government to acquire the Punjab. The followers of the Jain religion have also much influence in India, as they are so rich that some of the Rajputana States are debtors to them. They also deserve, therefore, special favour from the Government. In the heads enumerated in paragraph 12 the Sikhs and the Jains are counted as one and the same with the Hindus, but in some other respects the Sikhs are not put aloof from the Hindus. I am, therefore, of opinion that, provided it be decided that the Muhammadans should be specially favoured, the

number allotted to them under E would be sufficient. The head D (*d*) should be struck off and the number added to F—for experts.

(9) I think it proper to add here regarding the Imperial Legislative Council that the Government of India has included under head D (6) of paragraph 12, the Central Provinces but has omitted the Frontier Provinces and Rajputana. The Government may perhaps have special ground for this, but they do not appear in the letter.

(10) I have already answered the fourth question, that I do not like the system of election. I support nomination. Each class of people should be first composed in sets, and the authorities concerned should then nominate as representatives the number allotted to that class out of these sets, *i.e.*, the President of the Provincial Council should be authorised to nominate a member to the Imperial Council from out of his council.

(11) I agree that a great landholder of the Punjab should be nominated as member of the Imperial Council, but that His Honour the Lieutenant-Governor be given authority to nominate. The nomination should be in turn, *i.e.*, if a Hindu be nominated once, a Muhammadan should be nominated next, and so on. Followers of each religion should receive this honour by turn.

(12) As for the election of Muhammadans, I have already said that the number 4 is above the scale, and 2 would suffice.

(13) Increase should be made in the present number of members of the Punjab Legislative Council, and in the same proportion as that of the Imperial Legislative Council; from 24 to 53 persons of each class and interest would then have opportunity to express their views.

(14) It has been already said that I like nomination better than election, and I wish that in each association, whether a council or committee, members should be nominated.

(15) If election be maintained for appointment of members to the council, the best way to act would, I think, be to group the whole population of the province into classes, but the smaller the number the better. Then out of each class the number of voters, either in proportion to the population or some other respect, should be fixed. This number should also be as small as possible. Voters should be nominated by the district authorities from their respective districts. The educated class should be paid special regard to while grouping classes, and it should comprise University Fellows and graduates.

(16) The budget should be discussed in the Legislative Council and in the same manner as that proposed for discussion of the Budget in the Imperial Council, *i.e.*, by separate heads.

(17) I advocate the introduction into the Punjab Legislative Council of the right of interpellation by members, because the educational capacities of the people of this province is not lower than the people of those provinces where this right has been granted.

I beg to submit the following opinion on the questions contained in the Government of India letter no. 2310—2317, dated 24th August 1907 :—

HAKIM MUHAMMAD AJMAL KHAN.

(1) In my opinion the Imperial Advisory Council mentioned in paragraph 4 of the Government of India letter will be beneficial to India if it is not meant for the purpose of giving advice only. . In connection with the proposals contained in paragraph 5 of the Government of India letter, I beg to state as follows :—I agree with clause (1) of this paragraph, but with regard to clause (2) I am of opinion that mention should be made therein about the allotment of seats in the Imperial Council with regard to census of classes and superiority of claims. If this is not done, then the classes will not be satisfied by the number of its members. As to clause (3) I am of opinion that the number of Ruling Chiefs is large, and I think that at times when Government will be really in need of advice, sound advice as can be had from other Provincial Councils will not be forthcoming. Similarly, in clause (3) with landholders a proportionate number of non-landholders should be elected. Clause (4) is correct, but with regard to (5) I think that if no authority is given to the Imperial Council it will not only be improper, but the council cannot be expected to prove of any benefit. To simply take advice is a thing which the Government can take at any time and from such persons as it chooses, and which the Government has been, and is still, doing as the Government itself in this letter admits. As to clause (6) I submit that this council should not be only for the purpose of giving advice. The following amendment should be made "that when owing to a pressing necessity at least half the number of members make up a certain proposal it should be considered by Government." With regard to clause (7) I am of opinion that proceedings of this council should be published subject to such proposals as appear to Government to be unsuitable, for any reason, for publication being omitted.

(2) The establishment of a Provincial Advisory Council for each province will be useful. But to make the restriction that when local conditions admit local Governments should be

furnished with a selected body of advisers appears at this time to be unsuitable; for through the blessings of Government in each province the required number of persons to form the council are easily available. The Provincial Council should be given the same powers which I have advocated in dealing with clauses (5) and (6) of paragraph 5 of the Government of India letter. To give no powers to a council which shall consist of so many influential men and its function being only to give advice when Government wants them to do is improper. The number of members of the Provincial Council should be the same as that of the Imperial Council, for, as the Government has itself stated, the members for the Provincial Council will be chosen upon a wider basis.

(3) The enlargement of the Imperial Legislative Council is without doubt necessary and the Muhammadans are grateful to the Government for its proposing to appoint two members under paragraph 12 (*d*) and two under paragraph 12 E of their letter. But this number is too small considering the Muhammadan population, and it is hoped that the Government will make them further grateful by increasing the number and thus protecting their rights, since this class is a prey to the attacks of other classes.

(4) I agree with the proposal that the Provincial Council should elect from among themselves a member for the Imperial Advisory Council as laid down in paragraph 13 of the Government letter.

(5) In my opinion it would be better if big land-owners are allowed to select from among themselves a member for the Imperial Council.

(6) From the present state of Muhammadans and their population it appears necessary that the number of Muhammadan members should be raised from 4 to 6 as follows:—

4 by selection, and

2 by appointment.

The mode of selection of Muhammadan members should be that laid down in paragraph 18 (*a*) and (*b*). But it will be more suitable if in paragraph 18 (*c*) for the income of Rs. 25,000 the income of Rs. 5,000 is substituted.

(7) The number of members of the Provincial Council, Punjab, should be increased from 10 to 20.

(8) Out of the ten members to be increased 5 should be Muhammadans, 4 Hindus, and one Sikh.

(9) The proportion of seats to be allotted to each class should be determined in proportion to their population.

(10) For the election of unofficial members it would be proper if a list of electors is prepared in which influential, learned, and wealthy men be entered and they be asked to elect a member.

(11) I advocate separate representation of classes and therefore agree with the proposals laid down in paragraph 22 (*b*) and (*c*) of the Government of India letter.

(12) I agree with the suggestions contained in paragraph 17 of the Government of India letter.

(13) I agree with the suggestions made in paragraph 23 of the Government letter regarding the discussion of Budget.

(14) The Provincial Budget should be discussed in the Punjab Legislative Council by separate heads.

(15) I advocate the introduction in the Punjab Legislative Council of the power of interpellation by members.

Copy of a letter, dated 10th November 1907, from Mahamahopadhyaya Pandit Banke Rai Nawal Goswami, Delhi, to R. Humphreys, Esq., I.C.S., Deputy Commissioners Delhi.

I respectfully beg to acknowledge the receipt of your circular letter no. 1371 of 17th October 1907, and also the Punjab Government letter no. 2643-S., dated 27th September 1907, together with its enclosures.

In compliance with your order I beg to send herewith my opinion and views regarding the same: please excuse the delay.

(1) The establishment of an Imperial Advisory Council would, in my opinion, be of great service to the country. The existence of such a council would be the cause of advancement in the country and a means of better understanding between Government and its subjects. From

the reading of the Hindu Shastras it appears that in ancient times such counsel was taken from the subject.

I agree with paragraph 3 of the Government letters nos. 2210 and 2317. But the number of members should be as follows :—

10 ruling Chiefs and among the remaining 50, besides zamindars, should be included men of Oriental and Occidental learnings, *raises* and big traders, in order that by their vast learning and experience the country may benefit.

(2) I agree with paragraph 6 of the above-quoted letter. There is no doubt of the Provincial Advisory Council proving a useful institution.

(3) I agree with all the suggestions contained in paragraph 12 of the above-quoted letter.

(4) I agree with all the suggestions contained in paragraph 13 of the above-quoted letter In my opinion one member should be elected by the Provincial Legislative Council.

(5) In my opinion the Provincial Council should select a great land-owner for being member of the Imperial Council.

(6) I agree with paragraph 18 of the above-quoted letter.

(7) In my opinion it is necessary to make an increase in the number of members of the Punjab Legislative Council. It should consist of at least 20 members.

(8) In my opinion a few unofficial seats should be filled up by nomination.

(9) If representations of different races, classes, and creeds is considered necessary then seats should be allotted according to the census of each class.

(10) In my opinion it would be more suitable if in each division the Commissioner appoints a committee of respectable persons to nominate a member.

(11) In my opinion the suggestions made in paragraph 22 (*b*) is suitable.

(12) I agree with paragraph 17 of the letter above quoted.

(13) I agree with paragraph 23 of the letter above quoted.

(14) In my opinion the budget should be discussed in the Punjab Legislative Council according to the manner proposed in paragraph 23 of the letter above quoted.

(15) In my opinion it would be better to give power to members to interpellate in the Punjab Legislative Council.

Copy of a letter, dated 9th November 1907, from K. B. Ghulam Muhammad Hassan Khan, B.A., Honorary Magistrate, Delhi, to R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi.

I beg respectfully to submit herewith respectful answers to the questions on which my opinion was desired. Would you have the graciousness to despatch them to the Government of India.

Answers to the questions on which opinions are invited in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—I beg respectfully to submit that the Imperial Advisory Council, as sketched out in paragraph 4 of the Government of India letter, would be of immense use for the country, and if the nomination of intelligent, patriotic, public-spirited, and legal members would be made, it would in a large measure serve as a vehicle for conveying the actual sentiments of the masses to the Imperial Government.

As regards its constitution as detailed in paragraph 5, I beg to say that I agree with the contents of sub-heads 1, 2, 3, 4, and 5. As to the subjects of sub heads 6 and 7 I beg to suggest that this council should also be empowered only when half the number of members are agreed to hold its meeting of its own initiative, in order to discuss a matter not referred to it by the Government, but in its opinion sufficiently important to require the attention of the Government, and after thoroughly discussing the same to lay it before the Imperial Government.

I also respectfully beg to suggest that the proceedings of the meetings of this council should invariably be published in order that the public may always know what service they are doing for the country and how much sympathy they deserve from the public they are meant to represent.

II. (2) *Provincial Advisory Council.*—The Provincial Advisory Council would certainly be as useful as its Imperial elder sister and would, in my humble opinion, in a large measure

help the Provincial Government in conveying the real mind of the people to them on any legislative or administrative innovation contemplated to be introduced. It may also be suggested that the system of individual consultation in writing should not be introduced. Meetings of the council should always be called when any matter is intended to be referred to it. I also beg to submit that this council should also be granted power to discuss in a meeting, called of their own initiative, any momentous matter not referred to it, but in its judgment sufficiently important to demand their attention and also the urgent attention of the Government.

III. (3) *Imperial Legislative Council.*—Yes; the Imperial Legislative Council should be enlarged on lines laid down in paragraph 12 of the Government of India letter.

I have nothing to say on (1), but as to its constitution detailed under head (2) I beg respectfully to submit that instead of four seats six should be reserved for the Mussalman community, three to be nominated and three returned by election.

(4) My answer is i the affirmative.

(5) Yes; I approve of the selection of one of the great land-owners of this province to the Imperial Council. No; I think the electorate for electing one land-holding member from the whole Province for the Imperial Legislative Council will be too unwieldy and would also lack in solidarity. The alternative system suggested by the Government that the land-holding members of the Provincial Legislative Council should be empowered to elect from among themselves in the council or from their brother land-holders outside it, a member for the Imperial Council, is, to my mind, practicable.

(6) I beg respectfully to submit that considering the rights of seven *crores* of Mussalmans inhabiting India, which approximately constitute at least one-fourth of the entire population of this vast Continent, and also the importance attaching to this solid community so amply set forth in their humble representation before His Excellency the Viceroy, on 1st October 1906, they certainly deserve more seats in the council than the number so graciously conceded to them by the benign Government. I therefore respectfully suggest that at least six seats may be reserved for the Mussalman members, half to be appointed by nomination and the remaining half by election.

As to their election, the methods suggested in paragraph 18 that they should be elected by Mussalmans are desirable with the exception of the qualification mentioned in (*c*) which is indeed too high for a comparatively poor community like the Mussalman. The qualification should be reduced to R8,000 income per year.

VI. (7) *The Provincial Legislative Council in the Punjab.*—Yes; in my opinion the number of members in the Punjab Provincial Council should be raised to 20 members.

(8) I should think that half of the unofficial seats should be filled by nomination and the other half by election.

(9) In my opinion seeing that about 54 per cent. of the population in the Punjab is Mussalman, half, if not more, seats should be reserved for the Mussalmans only, to be elected by a Mussalman electorate nominated by the local Government in each division, with a reasonable qualification for voting. A third of the remaining half number of members should be Sikhs and Native Christians. The remaining two-thirds should be Hindus.

(10) Separate sectarian electorates of every community should be nominated by the local Government. Election through municipality or district boards is not desirable. The qualification for voters of the above electorate should be fixed higher than those accepted for elections of a municipal or district board member.

(11) I beg to advocate class representation as proposed in paragraph 22 (*a*) and refer the introduction of the change in the municipal and district boards' elections as indicated in paragraph 22 (*c*).

(12) Yes; I strongly advocate the separate representation of Mussalmans in addition to that open to them by nomination or by election. The electorate suggested in paragraph 17 of the Government of India letter has my entire approval.

V. (13) I beg to submit that the alteration in the system of discussion of Budget as set forth in paragraph 23 is most desirable and would be highly appreciated by all classes of His Majesty's Indian subjects.

(14) My answer is in the affirmative.

(15) The introduction of power or interpellation in the Punjab Legislative Council will prove a great boon, and is most desirable.

G. MOHAMMAD HASSAN.

Copy of a letter, dated the 7th November 1907, from Hajee Abdul Ghani, Delhi, to the Deputy Commissioner, Delhi.

I beg to acknowledge receipt of your letter no. 1371, dated the 17th ultimo, with enclosures, and in compliance therewith I beg to attach the view of the brotherhood to which I belong (the Punjabi Sheikhs of Delhi) agreeable to myself, in the form of answers to questions raised in the letter of the Supreme Government, in the Home Department, no. 2310—2317, dated the 24th August 1907. These answers were laid before a largely attended meeting of the Punjabi community, held on the 5th instant, in the Punjabi school for the purpose, and approved by those present, while all thanked the Government that it obliged the people and the country by having a regard for the public good.

Answers by the Punjabi community of Delhi.

Reply to query (1).—The establishment of an Imperial Advisory Council based on the lines noted in paragraph 4 of the Government letter will be useful. In paragraph 5 certain changes as mentioned below seem advisable.

5. (3) The nomination should not only be confined to ruling Chiefs and principal zamindars, but should also be extended to recognized leaders of other sections of the Indian communities who should be admitted to the council.

5. (7) The proceedings of the Advisory Council, if instead of being kept private and confidential as a rule, be made public like those of the Legislative Councils, will command greater confidence and general satisfaction.

Reply to query (2).—Provincial Advisory Council is an essential part of the scheme of an Imperial Advisory Council, and the "Anjuman" of the Punjabi community sees with satisfaction that the aim of the council is to afford opportunities of representation to different interests, and that it is proposed to have on the council representatives of communities engaged in art and industry and trade.

Reply to query (3).—The increase in the number of the members of the Legislative Council is appreciated by this meeting, but the following changes in paragraph 12 (*d*) are respectfully submitted, that other Chambers of Commerce besides those of Calcutta and Bombay may be given similar rights, and that the rights for representation of the Punjab Chamber of Commerce may also be taken into consideration:—

12. (*d*) (*e*) It is respectfully submitted that the number of the Muhammadan representatives may be three instead of two by election and three instead of two by nomination.

Reply to query (4).—The appointment by election of one member of the Imperial Council by the Provincial Legislative Council is very appropriate.

Reply to query (5).—The appointment by election of one of the principal zamindars of the Punjab Prevince to the Imperial Council is necessary and the mode of election proposed to be adopted is unanimously approved.

Reply to query (6).—The proposal is approved, and we cordially thank the benign Government that it has specially safeguarded the interests of the Muhammadan community, but we submit that it would be far more advisable to allow three Muhammadan representatives instead of two, both in the elected and nominated list. For the purpose of election the members of the Provincial Council would not be adequate, and we would beg to submit that other persons referred to in paragraph 18 of the Government of India letter should take part in the election. Further, as far as the Punjab is concerned, the proposed annual income of Rs. 25,000, liable to the assessment of the income-tax, should be put at Rs. 10,000, *vide* clause C, in view of the fact that this is not a very rich province.

Reply to query (7).—The present number of members may be increased to the extent of double the present strength.

Reply to query (8).—The meeting is of opinion that for the present the system of nomination will be more suitable to the Punjab than election.

Reply to query (9).—It would be useful and essential to fix a proportion of office for each community in accordance with a previously prescribed standard and, taking into consideration the large and influential population of the Muhammadans in the Punjab, their number should reasonably be half the non-official native element, especially in the case of the trading Muhammadan community, the number to be determined should be on the basis of their commercial status, their commercial connection, and the position they hold in the trade of the country.

Reply to query (10).—The reply is not required in case of existence of nomination.

Reply to query (11).—The procedure proposed to be adopted, *vide* paragraph 22 (*b*) of the Government of India letter, is reasonble and advisable.

Reply to query (12).—The appointment of the Muhammadan representatives should, as proposed, be partly by nomination and partly by election. We agree to the mode of appointment laid down in paragraph 17.

Reply to query (13).—The alterations proposed in paragraph 23 are advisable.

Reply to query (14).—The discussion of the Budget on the lines of the proposed debate of the Imperial Council in Provincial Council will be useful; the discussion under various heads preceding the general discussion of the Budget.

Reply to query (15).—It would be useful and advisable that members may have the privilege of putting questions in the Legislative Council of the Punjab Province.

Translation of opinion expressed by R. B. Ch. Raghunath Singh.

(1) The establishment of an Imperial Advisory Council will be of service to the administration of the country. The duties of the council as proposed in paragraph 5 of the Government letter are suitable and no alterations in them are required until experience is gained.

(2) The establishment of a Provincial Advisory Council will also be useful, and without such an institution it will be found difficult to select experienced men to serve on the Imperial Advisory Council. The number of members of this council should be about 50. For three districts there should be one member from the agricultural class. A member residing at a far distance from a district will only be able to make imaginary suggestions about the district. Commerce and industry are the only two subjects on which suggestions could be made by the members. Matters relating to factories and industries are not separate subjects, but connected with commerce. There, therefore, seems no necessity for selecting members from commercial and industrial classes.

(3) The scheme sketched out in paragraph 12 of the Government letter is quite correct. The enlargement of the Imperial Legislative Council will remove complaints that are sometimes made against certain legislations.

(4) If Eastern Bengal and Assam, Punjab and Burma are given the same rights that Bombay, Bengal and United Provinces have, regarding the selection of a member, it will be considered a boon.

(5) I am not acquainted with any great land-owner in the Province by the appointment of whom to the Imperial Advisory Council the object in view could be obtained. I therefore can say nothing about it.

(6) The appointment of four Muhammadans to the Imperial Council, two by election and two by nomination, would be right. The selection of such members by the Provincial Council would be a facility.

(7) It would be advisable to make an increase in the present number of members of the Legislative Council, Punjab.

(8) The system of appointment by nomination is good, but it would be gratifying to the people if one-fourth of the members are appointed by election.

(9) The proportion of seats to be allotted to each class should be according to its census. Industrial and agricultural are the only two classes, consultation with which is often necessitated.

(10) Election through municipal and district boards would be more suitable as their members are, in my opinion, the representatives of the district.

(11) The proposal of separate representation of classes is a good one. The list should be prepared according to paragraph 22 (*b*), and under 22 (*c*) the electors should not be men who pay less than R100 as land revenue or income-tax. Persons paying less than R100 hardly understand the aim and object of such measures.

(12) Separate representation of Muhammadans' appointments should be filled by ordinary method of election.

(13) It would be better if discussion of the Budget in the Imperial Legislative Council is conducted by separate heads as suggested in paragraph 23 of the Government letter.

(14) The method of discussion in the Punjab Legislative Council should be by separate heads like that in the Imperial Council.

(15) Interpellation by members in the Punjab Legislative Council should be by permission of the President.

Copy of a letter from Lala Ishri Pershad, to R. Humphreys, Esq., C.S., Deputy Commissioner, Delhi District, dated 7th November 1907.

In expressing the feelings of gratitude for the honour you have done me by forwarding to me your letter no. 1370, dated the 17th ultimo, with a copy of Punjab Government letter no. 2643-S., dated the 27th September 1907, with enclosures, for expression of the views of my brotherhood on the proposals of giving the people of India wider opportunities of expressing their views on administrative matters, I most respectfully beg to state that I could not obtain a general opinion of the members of the Jain community as the letter reached on the evening of the 25th ultimo by post, so the time being very short for the discussion and consultation with my community in general. I consulted with a few of the leading English educated members of the Jain class. I therefore beg to communicate separately the result of my enquiry on the subject.

May I be allowed to state that the proposals, if finally carried out, would prove very beneficial to the people if efforts are made to represent every class of people in india and especially the Jains, who are quite distinct from the Hindus in respect of manners, customs, and religion.

They are spread all over India, and count about 14 lakhs in number. They are one of the most loyal and peaceful class of tradesmen, and therefore deserve every consideration at the hands of the British Government.

Questions on which opinions are called for in Government of India letter no. 2310—2317 dated 24th August 1907.

Questions.	*Answers.*
Imperial Advisory Council.—Do you consider such a council as proposed in paragraph 4 of Government of India letter to be useful? If so, do you suggest any alterations?	Yes; the Council if constituted on the lines sketched out in paragraph 4 of Government of India letter will be useful. No alteration is required.
II. (2) *Provincial Advisory Council.*—Would this institution be useful? Do you suggest any modification?	Yes; requires no alteration.
III. (3) *Imperial Legislative Council.*—Do you approve of an enlargement? Is any modification required?	Yes. No modification is desired, except that a member of the Jain community may be nominated to represent its interests, *vide* paragraph 12 (2) E.
(4) *Election of one member by the Provincial Legislative Council.*—Do you approve it?	Yes.
(5) Election of one of the great land-owners of the Punjab to the Imperial Council? Method of selection.	Yes. The election should be made by land-holders paying land revenue amounting to R15,000 and above.
(6) Appointment of four Muhammadans to the Imperial Council.	The Muhammadan members should be elected by the Muhammadan non-official members of the Provincial Councils. (*Vide* paragraph 18 (*a*) of the Government of India letter quoted above.)
IV. (7) *Provincial Legislative Council in the Punjab.*—Would you approve of an increase in the number of members?	Yes. The number should vary according to the number of the most influential classes whom it is intended to represent in council. It should be left entirely to the option of the local Government.
IV. (8) System of nomination.	The present system of nomination may be maintained. No election is necessary at present.
(9) Fixed rules for allotment of seats.	Though no fixed rules for determining the proportion of seats to be allotted to each class to be represented can at present be laid down, it would be advisable to allot seats as follows:—

To land-holders . . .	2
To cultivators . . .	2
To commercial classes . .	2

Questions.	*Answers.*
	To professional classes—lawyers 2 Municipal body ... ... 1 District Board ... ... 1 Sikhs ... ... 2 Jains ... ... 1 Christians ... ... 1 Hindus ... ... 2 Muhammadans ... ... 2 Bankers ... ... 1 — 19 —
(10) Election	In case election has to be made it should be made through municipal as well as district boards.
(11) Separate representation of classes ...	In case of separate representation of classes election should be made by the heads of each brotherhood provided that such electors pay an annual income-tax of Rs. 200.
IV. (12) Separate representation of Muhummadans.	No election is required but nomination.
V. (13) Discussion of the Budget in the Legislative Council.	Yes. The Budget should be discussed separately for each head.
(14) Discussion of the Provincial Budget in the Provincial Legislative Council.	The question seems to be premature.
(15) Power of interpellation	Yes. The members should be empowered to interpellate in the Punjab Legislative Council.

Copy of a letter no. 8–218, dated the 7th November 1907, from Mr. Raj Narain, Barrister-at-law, to the Deputy Commissioner, Delhi.

With reference to your circular letter no. 1371, dated Delhi, the 17th October 1907, I have the honour to submit my views on the question of the creation of Advisory Councils and extension of the Legislative Council in India.

I. (1) I consider an Imperial Advisory Council will be of service to the country. But if it is constituted as stated in paragraph 4 of the Government of India letter it cannot fulfil any of the three objects intended thereby, *viz.*, (1) correct information to Government; (2) sound advice to the Government; and (3) diffusion of correct information to the people as to the true intention of the Government. To be able to discharge these functions a man must possess three qualifications—(1) loyalty to the Government, (2) intellect, and (3) influence. If there is any difficulty in finding such men it is due to the indifference with which the question of maintaining old loyal families in power and influence has been treated. I shall therefore strongly urge this indifference being provided against in the rules. With the above remarks I beg to suggest the following alteration in the proposed constitution of the intended Imperial Advisory Council.

Refer to paragraph five of the letter of the Government of India:

(1) May stand as it is.

(2) May stand as it is.

(3) The council shall consist of sixty members. Of these five shall be native ruling Chiefs, etc., and the remaining fifty-five shall be the natives of India and the said sixty members shall be nominated by the Viceroy. All the members so nominated must possess the following qualifications :—

(i) must have passed entrance examination of one of the Indian Universities;

(ii) must belong to a family of tried loyalty;

(iii) must have an income of at least one thousand a month or be paying revenue to the extent of Rs. 2,400 yearly.

(4) May remain as it is.

(5) May remain as it is.

(6) The following should, I think, be added—"The members may ask for information from, and submit suggestions to, the Government who in turn will not be bound to give or receive them respectively.

This I think is essential for the object in view. If the nomination is made on the lines suggested there is little fear of its being abused.

II. (2) I consider that a Provincial Advisory Council will be a useful institution provided that the members possess the qualifications mentioned in the preceding paragraph. I shall give this council also the right to ask for information from, and submit suggestions to, the Government which the Government may or may not furnish or act upon, respectively. In these councils all the communities of the province shall be represented as far as possible.

III. (3) I approve of an enlargement of the Imperial Legislative Council subject to the following modifications in the scheme:—

See Government of India letter, Paragraph 12 (2)—

His Excellency the Viceroy	... 1	
One native ruling Chief to be nominated by His Excellency	... 1	
Ex-officio members	... 8	
Additional official nominated member	... 1	
Other nominated members	... 6	
Experts to be nominated by the Viceroy	... 2	
		31 (?)
Elected by the Chambers of Commerce of Calcutta and Bombay	... 2	
Elected by the Provincial Legislative Councils ...	...21	
		23
TOTAL ...		54

(4) I have proposed a much larger representation of the Provincial Council on the Imperial Legislative Council and the right of election may safely be given to them.

(5) I have suggested that the Provincial Councils should elect some members to go on the Imperial Legislative Council. Some provinces have no land-holders of sufficient importance to go there. In provinces where such a class of sufficient importance exists the local council is sure to have some of them and from there they stand as good a chance of being returned as any other member of the Provincial Council. Over and above this, the Viceroy's right to nominate a large number is a sufficient safeguard against the land-holder's interest going unrepresented on the Legislative Council.

(6) My answer to this question is in the negative. The reasons are—

A. The policy of religious distinction, in my humble opinion, will not promote the best interests of the Government or of the people as it helps tension of feelings and gives an idea of separation of interests.

B. There is no necessity so far as legislation is concerned for such a distinction. No Legislation has yet been taken in hand affecting the two classes differently.

C. The fear of the Muhammandans going unrepresented on Imperial Legislative Council is sufficiently guarded against in the Viceroy's power of nomination.

IV. (7) I would advocate the enlargement of the councils to more than twenty-one members.

(8) I suggest that the Provincial Legislative Council should be formed partly by nomination and partly by election. Organised bodies, such as local boards, municipal committees, commercial societies, and such castes as have a well organised system of representation, as well as joint-stock companies, may be allowed to elect their own members having the necessary qualifications of certain education and status for seats allotted to them. Other seats will have to be filled by nomination.

(9) I would suggest a fixed rule determining the proportion of seats to be allotted to each class, and give below the division and sub-division according to which I think the non-official seats may be allotted:—

A. Population, non-agricultural:

1. Brahmans.
2. Khatris, including Sudhs.
3. Kayasths.

4. Banias, other than Jains.
5. Jains.
6. Sikhs.
7. Muhammadans.
8. Minor castes.

B. Agricultural population.

C. Commerce, art, capital, and labour, including joint-stock companies, commercial associations, and persons of great commercial importance.

Each of the first seven of group A may have one seat at least on the Provincial Legislative Council. The proportion of the Muhammadan seats to those occupied by the Hindus may be adjusted according to their respective population in the province. One seat may be given on the Provincial Legislative Council to represent commerce, art, capital, and labour. The number of seats to be given to agriculturists or land holders may be fixed at two. The mode of filling up these seats shall be as follows :—

A. Non-agricultural communities, or such of them as have an organized mode of representation, according to any rules from time to time approved by the Government shall be allowed to return their own members. Failing these the seats are to be filled by the Government by nomination from the respective classes.

B. The seat for commerce, art, capital, and labour may be given by election; the electorate in this case being formed of the Joint-stock Companies, Commercial Associations formed under rules approved by the Government, and persons paying income-tax on an income of not less than Rs. 15,000 per year.

C. Of the seats for agricultural communities one may be given by election of the local boards of the province and the other by nomination of the local Government.

4. (10) The preceding suggestions cover the answer.
4. (11) As above.
4. (12) As above.
5. (13) I say yes to this question.
5. (14) As above.
5. (15) As above.

No. 814, dated Delhi, 9th November 1907.

From—James Prentice, Esq., C. A., Secretary, Punjab Chamber of Commerce,

To—The Deputy Commissioner, Delhi District.

With reference to your circular no. 1371, dated 17th October 1907, I am instructed to forward my committee's opinion on the proposed measures for giving the people of India wider opportunities of expressing their views of administrative matters.

I. (1) *Imperial Advisory Council.*—My committee approve the proposal to constitute an Imperial Advisory Council, and do not wish to suggest any alterations therein.

II. (2) *Provincial Legislative Council.*—My committee approve the proposal to constitute a Provincial Advisory Council and note with special satisfaction that the Government of India in their letter nos. 2313—2317, dated Simla, 24th August 1907, paragraph 6, distinctly lay down that it is "essential" that "industry, commerce, and capital" (among other interests) should also be included in the council.

III. (3) *Imperial Advisory Council.*—My committee approve the principles of enlarging the Imperial Legislative Council, and they are in accord with the general lines on which it is proposed that such enlargement should proceed; they are, however, strongly of opinion that the immensely important commercial interests of India should be accorded more adequate representation than the scheme provides for. They would urge that the Calcutta and Bombay Chambers of Commerce, though doubtless entitled by their status to elect one member each, as is proposed, are not representative of the diverse commercial interests of the whole of this great country, and in particular are not representative of these two main bodies of commercial interests which in Northern India may be considered to be represented by the Upper India, the Karachi, and the Punjab Chambers of Commerce and in Southern India by the Madras and the Rangoon Chambers of Commerce. They would, therefore, suggest that an additional commercial member should be allotted to Northern India, and another to Southern India, to be elected either conjointly or in rotation, the latter preferably, by the two groups of chambers above mentioned. They hope that the Commissioners and the Deputy Commissioners

of Lahore and Delhi, who have special opportunities of appraising the magnitude of commercial interests in Upper India, will see their way to give to this suggestion the great advantage of their official approval and support.

My committee approve the proposal that one member should be elected by the Provincial Legislative Council to the Imperial Legislative Council.

(5) and (6) My committee do not think that the subjects of these two questions come within the special province of the chamber as such, and they therefore refrain from expressing any opinion.

IV. (7) *The Provincial Legislative Council in the Punjab.*—My committee would advocate a liberal increase in the present number of members of the Punjab Legislative Council, in conformity with the general principle underlying the whole of the proposals now under consideration as enunciated by the Government of India, namely, the desirableness of "giving the people of India wider opportunities of expressing their views on administrative matters." They do not feel competent to suggest an exact number.

(8), (9), (10), (11) and (12) For the reason given in their reply to questions (5) and (6) my committee refrain from expressing any opinion on the matters embraced by questions (3) to (12), inclusive. But they would ask to be allowed to urge, with special emphasis, the powerful claims of commerce and industry (both of which are rapidly growing factors in the economic well-being of this province) to be allotted on a permanent basis, a special representative in the Provincial Legislative Council. They are also strongly of opinion that the electorate best qualified by its constitution to nominate a suitable representative of commercial and industrial interests in this province, is to be found in the Punjab Chamber of Commerce, and earnestly hope that the Commissioners and the Deputy Commissionors of Lahore and Delhi, with their special knowledge of the character of the chamber and of the interests which it has been created to promote, will see their way to support their recommendations in this matter.

V. (13) *Discussion of the Budget in the Legislative Council.*—My committee approve the proposal to alter the system of discussing the Budget in the Imperial Legislative Council in the manner suggested in paragraph 23 of the Government of India letter.

(14) My committee consider that it is desirable that the Provincial Budget should be discussed in the Provincial Legislative Council, but they do not think that the time has come when its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter would be advantageous.

(15) My committee advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

JAMES PRENTICE, C.A., *Secretary,*

Punjab Chamber of Commerce, Delhi.

No. 1015—99-07, dated Multan, 21st November 1907.

From—H. J. MAYNARD, Esq., I.C.S., Commissioner, Multan Division,

To—The Chief Secretary to the Government of the Punjab.

With reference to correspondence ending with your letter no. 51 (Home—Legislative) dated 18th November 1907, I have the honour to forward a note recorded by me, together with a copy of the correspondence noted in the margin, regarding the measures proposed by the Government of India for giving the people of India wider opportunities for expressing their views on administrative matters and to state that the opinions of the other Deputy Commissioners will be forwarded on receipt.

1. Deputy Commissioner, Dera Ghazi Khan's letter, no. 661, dated 13th November 1907.

2. Deputy Commissioner, Mianwali's letter no. 485-C., dated 13th November 1907, with enclosures, in original.

H. J. MAYNARD,

Commissioner, Multan Division.

NOTE.

I. (1) *Imperial Advisory Council.*

1. There are some features in the proposals regarding the Imperial Advisory Council which might be modified with advantage. This will become clear if we consider in what light the *dignity* of membership will present itself to those who are likely to be asked to serve upon it. Side by side with an Imperial Legislative Council, having certain definitely recognised powers

at law, with the right to assemble, to interpellate and to discuss, and an important share in the work of legislation, it is proposed to establish another council, which will only meet when specially summoned, only express opinions on subjects specifically referred to it, enjoy no legal status or legal powers, and exercise no *authoritative* influence on the decisions of Government. When these conditions are fully realized, it will, I believe, be found that the most able and influential of the Chiefs and territorial magnates will regard membership of the Advisory Council as lacking *dignity*,* and will contrast unfavourably their own position as members with that of the men, often their social inferiors, who have attained to seats on the Legislative Council. To those who know anything of the Indian aristocracy, it is a truism that they value personal dignity above most other considerations. The suspicion that they occupied an inferior position in the Advisory Council would do much to impair the usefulness of that institution.

2. Without any surrender of the postulated supremacy and independence of the executive authority, it is possible to change these conditions for the better by giving to the proposed Imperial Advisory Council the legal right to meet and to tender collective advice on any subject on its own intiative. I suggest that, upon a requisition signed by at least five members, Government should bind itself to summon a meeting. I am also inclined to think that either His Excellency the Viceroy or the Honourable Member in charge of the subject under discussion should preside. This would probably have no tendency to stifle discussion, if the subject were one on which strong views were held. But it would add to the *dignity* of membership.

3. Incidentally the legal right to tender collective advice unasked will meet the criticisms which have been levelled against the council as a mere device for assisting Government to resist the pressure of the educated and reforming classes. A body which has legal authority to insist on recording its collective opinion on any subject, is in a very different position from one which lends itself to the suspicion that Government calls for advice only when advice is likely to be acceptable.

4. Similar considerations lead me to doubt whether it is judicious to provide that the proceedings of the council should as a rule be private, informal, and confidential. It is politically undesirable that Government should be charged with suppressing unpalatable advice, but such charges will certainly be made by unscrupulons opponents unless every pretext for them be removed.

5. Nawab Bahram Ali Khan, C.I.E., the Mazari Tumandar, who is probably the ablest and most representative man in the South-West Punjab, has talked to me on this subject. He holds that a member of the Imperial Advisory Council should be in a position to satisfy his "kaum" as to the advice which he gave on any question affecting its interests, and he does not think confidential proceedings desirable, or believe that communications of a more public kind will in any way impair the frank exchange of opinion. If Government feels doubt on the subject, I suggest that it should be left to the Imperial Advisory Council itself to decide whether its proceedings, on any particular subject, or in general, should be public or private.

6. It appears unnecessary that Government (which will have absolute discretion as to the individuals to be nominated) should bind itself absolutely to the nomination only of great ruling Chiefs and territorial magnates. Though these will of course constitute the great majority of the members an opening should be left, as Captain O'Brien has hinted, for the Tatas and others whose characters and enterprise may render them representative of other great interests. With this opening for future modifications and developments, the Advisory Council should escape from the reproach of being an instrument of reaction and obstruction.

7. I fear that there will be disappointment in regard to the council's work as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government. Except when they occupy a *quasi*-patriarchal position, like that of the Beloch tumandars, the Chiefs and magnates are not generally in very close touch with the mass of the people. Those who will understand the proceedings best will be the Europeanised, whose education and mode of life has in some measure alienated their sympathies. But even the Chief or magnate of the old-fashioned type is somewhat apt to have conceptions of his own dignity which preclude confidential intercourse with his inferiors, other than personal followers and attendants. It is in other directions that Government must look for the explanation of its aims and objects. In this respect I fancy that the influence of the educated middle classes, who teach the young, control the press, and come in contact with the people in the capacity of professional men and subordinate officials, is underrated. As against the real tribal or patriarchal Chief, these classes are a feather in the scale. But all territorial magnates are not tribal or patriarchal Chiefs. Sometimes, as is the case with the great cis-Sutlej Jagirdars, they live like strangers in enemy's conquered country.

8. On the whole, my feelings is this: that in formulating the plan of an Imperial Advisory Council the Government of India have had in view some province, where the territorial magnates are true feudal chiefs or patriarchal heads, living in kindly and confidential relations

* In the Legislative Council His Excellency the Viceroy presides: in the Advisory Council this is not the case.

with the people about them or at all events in a substantial sympathy with them such as that which a good English landlord feels for his tenantry: and that, so far as the Punjab or a considerable portion of it, is concerned, the facts are disappointingly out of harmony with the conception. Something, however, will depend upon the breadth of the meaning which will in practice be assigned to the expression "territorial magnate." As pointed out further on, it is the men who enjoy influence over other men for hereditary or tribal or religious reasons, who are really important. Property counts for something, but not for so much as it would in a state of society further separated from the tribal or patriarchal. If this be overlooked we shall find ourselves in the unfortunate position of having selected leaders who do not lead, representatives who do not represent, and of having impaired, by ignoring, the influence of those who might under other circumstances have discharged the desired function.

9. I invite attention to the important fact that in the past, at all events, Indian aristocracies have risen and fallen with surprising rapidity. Except among the hill Rajputs, it would be impossible to find a Punjab family with a history dating back before the seventeenth century, and most of the Sikhs and many of the Muhammadans have a much more modern origin than this. Marauding conquerors of the latter days of the decadent Moghul empire, intriguing courtiers or favourites of the Maharaja Ranjit Singh, astute Hindu traders who acquired land, such are the men who have succeeded to others not better than themselves, and under natural conditions they would in many cases have given place to a new set no worse. I understand that the position in Bengal is not dissimilar. Many of the great rajas or zamindars there are merely descendants of astute traders or contractors who contrived to engage for the revenue in the early days of British rule. Is there not something in these facts to hint a warning against the stereo-typing of the influence of normally ephemeral aristocracies, where they have no real hold upon the hereditary sentiments of their dependents?

10. My argument is one for elasticity in the constitution of the council: for recognition of the facts that *influence with men* comes first, that this may be in some measure independent of the possession of property, and that though it is most powerful when grounded upon tribal and religious sentiment, it may be, and is under modern conditions, dependent in part upon the respect which education and practical capacity for affairs secure to their possessors.

11. There is one more word to be said: as regards the true significance of a "stake in the country." Those who argue for this as a condition of a man's fitness for a share in the work of Government have in view the fact that the man who has nothing to lose by change or chaos lacks the most powerful of steadying influences. Under Indian conditions property is perhaps the thing which a man is most afraid of losing: but his fear of losing what he calls his "izzat" runs the other fear very close. The man who has little property, but a distinguished position among his own disciples or in his own tribe, has his "stake in the country" as much as a richer man. Again, professional incomes and officials salaries are just as much dependent upon the continuance of peace and a settled *régime*, as is the security of landed property: perhaps more dependent: for the influential land-owner might stand to gain in a general scramble, when the professional man could only expect a stoppage of business. The income dependent upon the continuance of existing conditions is a "stake in the country," whether it be derived from land which may change hands, from investments which may depreciate to vanishing point, or from professional services which may cease to be in demand.

II. (2) *Provincial Advisory Councils.*

12. I consider that a Provincial Advisory Council consisting of some twenty nominated members would be a useful institution, if invested with legal authority to meet and tender collective advice on its own initiative. The manner in which it is proposed to compose it is appropriate, due regard being had to the remarks recorded by me under the last head.

13. I think it would be wise to provide for travelling allowances in the case of the members of this and other councils, and also of the member of the electorate colleges which are proposed further on in this note. The Oriental idea, of course, is that when the ruler summons a subject for any purpose of honour, he presents him with a "khillat" or at any rate entertains him and supplies him with "kharcha." The English idea of unpaid service is not altogether familiar to the Indian mind. We shall also need suitable buildings at Lahore for the reception of the electoral delegates from the districts: something after the fashion of the district "zailghar," but rather better.

III. (3) *General remarks regarding the Legislative Councils.*

14. The necessity of confining the number of non-official members within narrow limits is due to the necessity of maintaining an official majority. Presumably the simple plan of giving to each official member, or to the *ex-officio* official members, more than a single vote has been considered and rejected. This plan would give wider scope to the representation of the public, without entailing the attendants of a superfluously large number of officials. A possible modification of it would be to give to the President a power (which he would naturally

exercise only on crucial occasions) to declare a particular question, one involving the supremacy of the executive authority ; and to provide that on such questions each *ex-officio* member would be entitled to give one (or more than one) additional vote. When it has been so definitely announced that an official majority must be secured, the theoretical and constitutional objections to inequalities of voting power appear to me to have lost their force. Many or most of the official members will attend the council, under the clearly admitted obligation to vote on crucial questions in accordance with instructions. Their time, which is worth money, might be saved : except when their presence is needed for the discussion or exposition of some measures with which they are acquainted.

15. An opposition, of great solidarity and commanding a numerical majority of the council, might conceivably manœuvre to compel too frequent recourse to the President's special power. It seems to me safe to say that a party thus bent on discrediting the institutions of the council would not be able to count on the support of all the non-official members.

16. An objection to the proposed plan is that it would establish a precedent for inequalities or voting value, and postpone, *sine die*, the fulfilment of aspirations for public control. There would be a tendency to apply a similar principle in other and less important spheres of public business, and in these spheres at any rate the chairman's special authority might be too freely exercised. I note, however, that when the next step towards expansion of public representation becomes necessary some such devise may be inevitable for the preservation of executive supremacy.

17. It is not so long ago that members of the British House of Lords used to send their footmen to vote as proxies on their behalf. There are always political disadvantages about a system which lends itself to satire. But I am not sure that some decorous plan of voting by proxy could not be devised to obviate the need of the presence of men, who are, *ex hypothesi*, present only, to be counted. I also suggest that the dumb official majority trooping past the division table may in time become an object of effective derision.

III.—(3) *Imperial Legislative Council.*

18. Assuming that there is to be equality in the value votes, and that voting by proxy is not to be allowed, the number proposed in paragraph 12 of the Government of India letter appears to me appropriate. But owing to the heterogeneous character of the interests to be represented, a somewhat larger number would be preferable. For instance, there is no sort of solidarity in the Punjab between classes which will be jointly represented by single member. A Baloch tumandar is not a suitable representative of a large Hindu land-holder : nor a Sikh jagirdar of a capitalist purchaser. Yet all alike would presumably fall into the "nobler and great land-owner class." Again the interests of commerce and of the professional and educated classes in the Punjab might go unrepresented in the Imperial Legislative Council since the non-official members of the Provincial Council, if of the present type, would probably choose a noble or land-owner to represent them. It would be an advantage if the Viceroy had a larger power to nominate for the representation of minorities or special interests. An average of one per province over and above the proposed Muhammadan representation would give what is required. The power to nominate should be used only to the extent and in the manner required to redress the balance of interests.

III.—(4) *Imperial Legislative Council.*

19. Accidentally, no doubt this question takes a form different from that formulated by the Government of India. I should think it a mistake to have a member elected by the Provincial Legislative Council, with its official majority. I approve of the proposal that he should be elected by the non-official member of that council. It is still the case in the Punjab that many of the best men are too proud to submit themselves to the suffrages of a wide constituency; whereas lawyers and professional men (whom I am far from decrying in any way) are, by professional training, less sensitive and more self-assertive. A system of indirect election through the local council appears to meet this difficulty : and it is preferable to nomination, which, though sometime inevitable, incurs the suspicion of servility and does actually tend to bring forward men who speak to please.

III.—(5) *Imperial Legislative Council.*

20. In regard to the class of "land-owners" an important point has to be cleared up. There is a very large and influential class of assignees, who do not pay, but receive, revenue. I need only draw attention to the cases of Baloch tumandars and the cis-Sutlej Sikh jagirdars to show that it is necessary to place revenue assignees on the same footing with revenue-payers. This will substantially affect the statistics given in paragraph 5 of the Punjab Government letter.

21. Though I am not certain about it, I think there may be superior proprietors such as Sadat Ali Khan of Kot Kamalia, whose "ala milkiat" dues combined with other income

give a total which would place them in a clas s higher than that to which their revenue-paying land taken alone would entitle them. I believe that in the Punjab there are no ala maliks who are allowed to engage for the revenue : but the question whether there are any ala maliks who deserve to be regarded as territorial magnates despite a deficiency in their revenue payments is one which may deserve attention. A man like Sadat Ali Khan enjoys an influence which is quite out of proportion not only to his property but even to his character. I have made a proposal below which may assist in the solution of similar difficulties.

22. In this division fluctuating assessment is so common that the question how the revenue paid under a fluctuating system is to be determined for franchise purposes naturally suggests itself. I suppose that the average of the past five years may appropriately be taken.

23. I should like to plead for a reconsideration of the decision that the land-owners, if they elect a representative must elect one of their own class. In the Punjab, at all events, it is practically certain that thay will choose one of their own number, without any legal compulsion to do so. Perhaps this may not be the case in all provinces : but I suggest that men of this very weighty and wealthy type, accustomed by the management of their own properties to the conduct of affairs, are the best possible judges of the manner in which their interests can effectively be represented. If, here and there, and now and then, they choose an eloquent laywer, or a man of business, or a smaller land-owner of influence and character, no practical harm can result to the council with its safe official majority : while the new measure will gain by the elimination of a restriction which casts an aspersion upon the discretion of the unfranchised magnates. The removal of all checks which are not absolutely inevitable must beneficially affect the spirit in which these reforms will be received.

24. I approve of the selection of one of the great land-owners or assignees of the Punjab to the Imperial Legislative Council. Nomination by Government is, I think, preferable to either of the other two plans sketched in paragraph 15 of the Government of India letter. Election by the land-owning members of the Provincial Council might concentrate power to an undue degree in the hands of a few men, who would also have votes for the council representative. On the other hand, the whole body of land magnates, unless unduly limited by a high franchise, would be far too heterogeneous to make the best selection. There is, however, a method which seems to escape these drawbacks, while giving effect to the best mind of the class to be represented. This is the method of indirect election. The land-owners and assignees of required status would elect seven, nine, or eleven of their own number to be electors. A majority of this electoral college would choose the member for the council after meeting and dissussing the question.

25. I can best illustrate the question of the franchise limit by citing the cases of Baloch tumandars. The inam of the Leghari tumandar is valued at Rs. 15,375 per annum, of the Mazari at Rs. 10,605, of the Khosa at Rs. 6,000. The other six vary from Rs. 4,599 (Sori Lund) to Rs. 1,000 (Bozdar). It is possible that if the Mazari and Leghari tumandars alone enjoyed the franchise, the other seven would not feel particularly aggrieved. But a limit fixed at Rs. 10,000 would give a very small constituency, even after assignees as well as proprietors had been included, and a limit of Rs. 5,000, which would include Sardar Mubarak Khan Khosa, while excluding such a man as Sardar Jallab Khan, C.I.E., would be unintelligible to the Baloches and would give rise to heart-burning. Moreover all the Baloch tumandars are of substantial political importance, and the degree of that importance is not directly dependent upon the figure of their inams but on the influence which they exercise over the men of their section. Here, and perhaps in some other quarters, the patriarchal and tribal authority requires to be recognised, without regard to income. The neglect of this point would lead to a serious disturbance of political balance. The Mulan district has two, if not more, very worthy Hindu landlords (Babla Chaudhris of Shujabad), each paying over Rs. 10,000 land revenue. They enjoy the influence which comes from money and the disposal of their tenancy : but nothing more. The Ambala and Karnal districts have several Sikh jagirdars of equal or superior means. They are important because of their historical and ancestral connection with the Phulkian States and the Punjab Sikhs. But, so far as the people among whom they live are concerned, their disappearance would attract but little notice and would affect the administration in but slight degree. On the Baloch Chiefs, on the other hand, depends the peace of a whole district and of a considerable area beyond it. Something similar in kind, but less in degree, is true of the ancestral heads of tribes such as the Sials of Jhang, and I think there are families in Shahpur which enjoy the same kind of pre-eminence.

26. The remedy is to introduce into the formation of the primary consituency an element of elasticity, dependent upon a principle which the men concerned will very readily comprehend. The franchise should rest with land-owners and assignees paying or receiving a stated minimum (Rs. 5,000 appears to me appropriate if this further proposal of mine be accepted) : and such other persons as the local Government may, by reason of their territorial or political importance, declare to be entitled to it.

27. My answer to this question therefore is that the landed class should be represented on the Imperial Legislative Council by a member not necessarily belonging to the class, to be selected by a process of indirect election, in which the primary constituency will be made up partly of men entitled to the franchise by a fixed property qualification of Rs. 5,000 revenue per annum and partly of men selected by Government for their territorial or political importance.

III. (6) *Imperial Legislative Council.*

28. The plans of Government having been provisionally announced, it would now be an awkward thing to reduce in any way the proposed special representation for Muhammadans. It is of course perfectly fair itself; and the only question is whether it could not have been better arranged in whole or in part by the reservation of a general power to redress the balance by appointing representatives of any class or interest which appeared to have been excluded from its fair share in the Imperial Legislative Council. It is by this power also that provision can best be made for the representation of that class of Sikhs which does not recognize its substantial identity with Hindus.

29. There are obvious disadvantages about the constitution of a special Muhammadan electorate in any way which will give to specified classes of Muhammadans privileges not enjoyed by the corresponding classes of other communities. The payment of income-tax will not confer the franchise for the Imperial Legislative Council on the Parsi merchant or the Hindu banker; and it will be awkward to put it on a different footing for the Khoja who conducts his busineess side by side with them. Jealousy, and the suspicion of partiality, are very readily awakened, and they are dangerous corrosives to loyal sentiment. The Hindu fellow or graduate of the local University, who sees his Muhammadan peer invested with an influence which is denied to himself, will become the prey of a rancorous envy. Everyone who has held charge of a district knows that these passions are administratively most inconvenient, to use no more serious expression.

30. The objection to a system of election by the Muhammadan non-official members of the Provincial Councils is, I think, somewhat less strong partly because the number of persons to envy and to be envied will be smaller, and partly because the non-official members of the other communities will at any rate be in enjoyment of the substantial dignity of a seat in the Provincial Council (with the possible addition of a vote for one member of the Imperial Council), and will be the less sensitive to the deprivation of the additional dignity of a vote for an extra Imperial Councillor.

31. The Muhammadan with whom I have had an opportunity of discussing this point (mostly men of the landed class or of those hereditary "saintly" families which are so common in the Multan division) incline to protest against the system of election; but their strongest objection, I think, is to a large and wide constituency, rather than to the principle of election as opposed to nomination. There are moreover in the town populations many Muhammadans who are as much disposed to cavil at the old-fashioned leaders, as are the educated Hindus.

These would doubtless like to choose their own representative, and if they did choose him his resemblance to the agitating demagogue of other communities would be sufficiently close. A system of election of the kind which Government can contemplate would not satisfy these men who would certainly desire a lower limit for the franchise. Yet they would probably prefer it to simple nomination, and at any rate it will lend itself slightly less to effective criticism from their point of view.

32. Assuming that Government does not feel able now to withdraw from the Muhammadan community any portion of the expectation of special privileges, and to substitute a general engagement to redress inequalities by nomination, I can suggest no improvement in the plan of election of two Muhammadan members by the Muhammadan non-official members of the Legislative Councils of six provinces in rotation: coupled with the nomination of at least two Muhammadans by the Viceroy.

33. If the Muhammadan constituency should be composed on lines similar to those suggested by the Muhammadan deputation of October 1906, I suggest that it ought to be amplified by the inclusion of electors chosen by the leading Muhammadan societies, and of the hereditary incumbents (sajjada-nashins) of important historic shrines such as Taunsa Sharif which count their adherents and disciples by thousands and exercise an extraordinary authority. Just as it is an error in the choice of the landed representatives, to consider only property and ignore tribal and patriarchal influence, so it would probably be an error, in the choice of the Muhammadan members, to give to money and modern education the weight which, in actual conditions, belongs rather to religious influence and the hereditary reputation for sanctity or spiritual power. Many of the saints, Makhdums, Pirs, or sajjada-nashins, have engaged very actively in the business of this world, without sacrificing any large part of the credit which they enjoy on account of the more ascetic virtues of their ancestors; and the class is one which should not be overlooked in making arrangements for the representation of Muhammadans.

IV. (7) *Provincial Legislative Council (Punjab).*

34. If it be considered necessary that the representatives of the land-owing class on the Provincial Council shall constitute a majority of the non-official members, I advocate such an increase of number as will make it possible to have seven non-official members. If this be not considered necessary, six non-official members, or one more than the average of the past, are possibly sufficient. In the former alternative the membership would be made thus:—

Representatives of Muhammadan land-owners or assignees	2
Representative of Hindu land-owners or assignees	1
Representative of Sikh land-owners or assignees	1
Representative of educated and professional class	1
Representative of trade and commerce	1
Special additional ropresentative of Muhammadans (in consideration of the fact that the representatives of the educated and professional class and of trade and commerce will very seldom both be Muhammadans and often neither)	1
TOTAL	7

In the second alternative thus:—

Representative of Muhammadan land-owners or assignees	1
Representative of Hindu and Sikh land-owners or assignees	1
Representative of educated and professional class	1
Representative of trade and commerce	1
Representative of Muhammadans	1
Representative of Sikhs	1
TOTAL	6

The natural bias of the administration in a province in which revenue work is the passport to official success, is towards the protection of the landed interest, and more than one official member of the council will be practically a member for the land-owners. If anything runs a serious risk of being overlooked, it is the interest to trade and commerce.

I do not, therefore, think that the interests of the land-owners necessitate the adoption of the first of the two alternatives. On the other hand, it has the advantage of guaranteeing at least three out of seven Muhammadan members: whereas the second alternative only guarantees two out of six. In a province in which the Muhammadans constitute a majority of the population, two out of six is inadequate representation. On the whole, therefore, I prefer seven as the figure of the non-official members of the Provincial Council, though six might be accepted if the inconvenience of adding the additional official member be of a serious kind.

35. If Government were starting with a *tabula rasa* as regards the expectations awakened by previous public announcements, I should have been disposed to prefer an entirely free-hand for nominations to redress the balance of creeds and classes. Instead of reserving a vacancy for a Muhammadan (and under the second alternative system a vacancy for a Sikh also) I should have suggested that certain places be left to be filled in the interests of imperfectly represented classes, whether actual minorities, or two imperfectly organised to secure proper representation. This plan would have the great advantage of being an obviously fair one, and of remaining fair under all conceivable conditions. The other plan might conceivably work badly. In the improvable event of Muhammadans being elected to represent both trade and commerce and the educated and professional class, it would be plainly inequitable for the Muhammadans to have yet another seat. My own opinion, therefore, on this point is that there should be seven non-official members the first six corresponding to the first six shown in the first alternative in paragraph 34 of this note, and the seventh nominated (or elected by a constituency to be named) with the object or redressing inequalities of representation. But as this arrangement is perhaps now out of the question, I shall proceed in the remainder of this note on the assumption that a place or places will be definitely allotted to a particular creed.

IV. (8) *Provincial Legislative Council (Punjab).*

36. As regards the representatives of the educated and professional class and of trade and commerce, there can be no doubt of the suitability of a system of election. For the representatives of the landed interest, I think a suitable system of *indirect* election can be devised; but if *indirect* election be thought too elaborate or complicated, I prefer nomination by Government to *direct* election by heterogeneous and scattered constituencies. For the Muhammadan member I suggest election by a constituency of which the members are mainly or wholly selected by Government, and in default of this, *direct* nomination.

IV. (9) *Provincial Legislative Council (Punjab).*

37. I have answered this question in answering the two foregoing. In certain interests there is a solidarity which is little affected by distinctions of class and creed. In others the distinction is of paramount importance. I believe that the distinctions which I have proposed in regard to the classes to be represented, with the explanations which I shall give below as to the constituencies to be established, will meet the requirements of the Punjab.

IV. (10) *Provincial Legislative Council (Punjab).*

38. I do not advocate election through municipal or district boards. Except in a few large cities, any life which municipal committees might under more favorable circumstances have developed, has been stifled out of them by the incubus of departmentalism. Until they are allowed to do their own work, and learn by practice how to do it, they are unfit to exercise any political function. The district board is not such a good representative of the rural population or of the land-owning class, as an assemblage of zaildars would be; and it very seldom includes any of the leading land-owners or assignees, who look down upon it with something closely approaching to contempt.

39. There are two distinct strata in the landed classes which may fairly look for recognition in the arrangements for the choice of land-owning representatives for the Provincial Legislative Council. There is the "country gentleman," as we may call him, who seldom has anything to do with the district boards, but is often an honorary magistrate, and will make up the bulk of the constituency by which the land-owning representatives for the Imperial Council are to be elected. There are some districts (Hissar is, I think, one of them) in which this class practically does not exist. Quite distinct from the magnate class are the yeomen from whom most of our zaildars and inamkhwars are drawn. The aim should, I think, be to give to each of these two classes approximately equal voting power for the choice of the provincial land-owning members. I propose to arrange for this as follows.

40. An electoral college would be constituted by the deputation of a number varying from two to five or more land-owners from each district. A district like Hissar would contribute two members only, one elected by the Hindu zaildars, another by the Muhammadan zaildars. A district like Ambala would contribute four, elected by Sikh magnates, one by Muhammadan magnates, one by Hindu and Sikh zaildars, one by Muhammadan zaildars. A district like Dera Ghazi Khan would contribute three, two elected by Muhammadan magnates and one by Muhammadan zaildars. The members having met at Lahore would divide into a Muhammadan and a Hindu-cum-Sikh committee or separate Hindu and Sikh committees. The Muhammadan committee would elect a Muhammadan, or two Muhammadans. The Hindu-cum-Sikh would elect a Hindu or a Sikh or if it be feasible to have both a Hindu and Sikh, the Hindu committee would elect the Hindu and the Sikh committee the Sikh.

41. The land-owning electors for the Provincial Council will be far more numerous, more heterogeneous, and more subject to the machinations of wire-pullers than the small electoral college which I have proposed for the choice of the provincial representative for the Imperial Council. At the outset, therefore, I would require them to elect members of the landed classes. But when the habit of choosing a land-owner or assignee has had a fair chance to establish itself, I would withdraw the restriction upon the electors discretion: and I would in no case impose a restriction as regards the religion of the candidate to be elected. Of course Muhammadans will always elect Muhammadans, but a Hindu committee might elect a Sikh, and a Sikh committee might elect a Hindu, and I can see no objection at all to their doing so.

42. For the educated and professional classes there can be no better electorate than that which forms a portion of the electorate for Muhammadans proposed in paragraph 17 of the Government of India letter: all registered graduates of an Indian University of more than five years' standing: unless it be preferred to limit the franchise to those who have attained the higher degree such as that of Master of Arts. Apparently there are about 140 Masters of Arts of the Punjab University, of five years' standing or more. A constituency made up of these men would return a member of the intelligent and reasonable "opinion," who would voice the new aspirations in a useful manner and supply some valuable criticism.

43. Except in the one instance of the appointment of an English banker, no attempt has yet been made in the Punjab to represent trade and commerce on the Provincial Legislative Council. We now have a Punjab Chamber of Commerce, a Punjab Trades Association, several new native banks as well as the European managed institutions of older standing, a couple of native insurance companies, and a daily increasing multitude of factories, though I believe that most of the latter are packers rather than manufacturers, and there is a huge export of agricultural products. Some of the weakest points in the provincial administration, its bad district roads, its dilatory civil courts, with their kaleidoscopic personnel, its failure

to provide adequately for the execution of decrees, offer themselves to the criticism of the men who are engaged in these occupations, but they have as yet no means of aiding in the constructive work which should remove their causes of complaint.

44. I have not the particulars which would enable me to make detailed proposals with confidence: but an electorate constituted somewhat as follows would probably meet the requirements:—

"All persons who during the year preceding paid income-tax on an income of Rs. 10,000 or more."

The directors of all registered joint stock companies, of more than five years' standing, having a *paid-up* capital of at least two lakhs, and certified by the registrar of the joint stock companies to have filled all documents required by law and a closing balance sheet which shows no deficit. (As some names reappear rather frequently in the directors' lists, no one should be permitted to vote in respect to more than a single qualification.)

A number of votes approximately equal to those of the foregoing classes should be assigned to the Punjab Chamber of Commerce and the Punjab Trades Association, in the proportion of three-fourths to the former and one-fourth to the latter.

IV. (11) *Provincial Legislative Council (Punjab).*

45. What I have already written makes a further answer to this question unnecessary. There is a great deal to be said about the constitution of municipal and district boards, but as they are not, and are not likely to become, within any near period of time, suitable constituencies for the choice of members for the Provincial Legislative Councils, this is not the place to say it. The suggestion that any seats on district and local boards should be allotted to traders or artizans is rather a revolutionary one so far as the Punjab is concerned. These classes do not at present contribute to the funds which the district and local boards administer: and so long as this condition continues, it would be anomalous to arrange for their representation upon the boards. The proviso that the electors ought to be literate is unsuited to rural conditions in the Punjab. Clause (c) of paragraph 22 of the Government of India (letter ?) has, I think, been suggested by the experience of some Indian province which differs very widely from the Punjab in essential particulars.

IV. (12) *Provincial Legislative Council (Punjab).*

46. Subject to remarks which I have made in replying to question IV (7), I think provision should be made for the separate representation of Muhammadans, and I would provide for it by election by a constituency of which the members would be mainly or wholly selected by Government. In choosing the members of this constituency, less weight should be attached to the possession of property than to the exercise of influence, tribal or religious. The incumbents of the great historic shrine, the executive committee of the principal anjumans, the hereditary heads of tribes would be the main elements in this constituency.

47. If the second alternative plan sketched in paragraph 34 of this note be adopted, and separate Sikh representative (not necessarily a Sikh land-owner or assignee) be allowed, the mode of selecting him should be similar to that suggested for the separate Muhammadan representative.

48. Even if my proposal in paragraph 35 of this note be accepted, and the extra seat or seats for the redressing of inequalities be allotted according to circumstances instead of being assigned beforehand to particular classes, the mode of selection might be similar to that indicated in paragraphs 46 and 47. That is to say, Government might determine to what class or classes the additional member or members ought to belong, and then nominate the men who are to elect him.

V. (13)

49. I consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter.

V. (14)

50. I consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and I advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter.

V. (15)

51. I advocate the introduction into the Punjab Legislative Council of the power of interpellation by members.

Dated 18th November 1907.

H. J. MAYNARD,
Commissioner, Multan Division.

No. 661, dated 13th November 1907.

From—M. L. WARING, Esq., I.C.S., Deputy Commissioner, Dera Ghazi Khan,

To—The Commissioner, Multan Division.

With reference to your endorsement No. 889, dated 3rd ultimo, I have the honour to give my answers to the list of questions attached to the Punjab Government letter No. 2643-S. (Home—Legislative), dated 27th September 1907.

I. (1) I consider that an Imperial Advisory Council would be a useful means of ascertaining on any important question, such public opinion as there is in the country.

I have no suggestions to make regarding its constitution and duties as sketched by the Government of India letter.

I. (2) For the same reason I think that a Provincial Advisory Council would be a useful institution. Its constitution and duties as indicated in the Government of India and Punjab Government letters do not call for criticism.

III. (3) I do not think that an enlargement of the Imperial Legislative Council is likely to add to the efficiency of that body. An increase of public speaking will not help in the governing of India. I admit, however, that the proposed enlargement is a necessary concession to the spirit of the times.

I have no modifications to suggest in the scheme sketched out by the Government of India.

(4) I approve of the proposal that one member should be elected by the Provincial Legislative Council.

(5) I approve of the selection of one of the great land-holders of this province to the Imperial Council. The province is not ripe for elective systems, and I am entirely in favour of nomination. If election be adoped I would support election by the land-holding members of the Provincial Council from among their own number.

As regards a franchise qualification in this connection I think that in this province it would be most impolitic to make any hard and fast rule. The only criterion which can be perfectly definite is that of wealth and there are at any rate some parts of the Punjab where political and social influence are much more dependent on birth than on property. Where tribal feeling survives in any strength, the natural leaders of the people are sometimes men of great position but of very little money. The large Baloch clans of Dera Ghazi Khan district are managed exclusively through their Chiefs. This gives the Baloch Chiefs a position of great importance and yet of a minimum of wealth were fixed as a qualification for selection, election, or voting, they, or at least most of them, would be excluded.

I think the matter should be left to the discretion of Government. If nomination be adopted Government will not nominate a nonentity. If election be adopted, Government would nominate a body of influential men to constitute a small electorate, and this electorate might be trusted not to disgrace itself.

(6) I approve of the proposed appointment of four Muhammadans to the Imperial Council, as suggested in paragraph 12 of Government of India letter.

The elected members should, in my opinion, be elected by the Muhammadan members of the provincial councils.

It is doubtful whether the Muhammadan fellows of the local university would not be guided too exclusively by literary or scientific merit.

On the question of property qualification I have already expressed my opinion.

IV. (7) I would not advocate an increase in the present number of members in the Punjab Legislative Council. I do not think there is any real demand for it in the Punjab. However if other provincial councils are enlarged it will be hardly possible not to take similar action in the Punjab. Fifteen would perhaps be a large enough number.

(8) I would maintain the present system of nomination.

Owing to the many unedifying features of the elective system I would not introduce it until there were a very strong and general feeling in its favour. This feeling does not appear to exist in the Punjab. As to election by the Senate of the University I would deprecate the introduction of a political element into that body.

(9) In either case I would advocate a fixed rule determining the proportion of seats to Hindus, Sikhs and Muhammadans. In setting the proportions the first guide would be the census figures, but other considerations of character, vigour, and extent of contribution to the strength of the social organism, should be allowed due weight.

(10) If election is resorted to I would discard municipal and district boards altogether. They are hot beds of chicanery and are conspicuous mainly for their want of public spirit. I would form a small electorate by nomination.

(11) I think it would be unwise to connect local and municipal boards in any way with elections for the Provincial Legislative Council.

(12) Muhammadans would be provided for in the separate representation already advocated. I am in favour of direct nomination, but in case of election I think the electoral body should be nominated, and that it should be small, care being taken to include all shades of opinion existing among good citizens.

V. (13) The suggested change in the system of discussing the Budget would assist intelligent criticism.

(14) I think the same system in provincial councils would produce a similar result.

(15) I would await further experience before introducing the power of interpellation into the Punjab Legislative Council.

M. L. WARING,
Deputy Commissioner,
Dera Ghazi Khan.

No. 485-C., dated Mianwali, the 13th November 1907.

From—CAPTAIN A. J. O'BRIEN, C.I.E., I.A., Deputy Commissioner, Mianwali,

To—The Commissioner, Multan Division.

Referring to your no. 889 of 3rd October 1907, on the subject of Advisory and Legislatory Councils, I have the honour to state that I have consulted as many leading officials, barristers, and others from whom sound opinions might be expected. There are no political societies of any standing in an out-of-the-way district like this. All whom I have consulted agree in the main with the action proposed. The only points of difference are the method of selection of the members of the various councils and of representation of minorities. My own opinion is given in the attached note. The opinion of the gentlemen named on the margin are enclosed in original.

Lala Ganga Ram, District Judge.
M. Sultan Ahmad, Revenue Extra Assistant Commissioner.
Lala Kishan Lal, Pleader.

A. J. O'BRIEN, *Captain,*
Deputy Commissioner, Mianwali.

NOTE.

I. (1) I consider that an Imperial Advisory Council would be certainly of value to the country. I agree, however, with my correspondents to this extent that the constitution of the council should not be limited to the representatives of the landed aristocracy, but that commercial magnates of the highest grades like Tata and other persons whose stake in the country approximates to that of the chief land-holders should also be included. I think also that it is most necessary that the council should meet for certain at least twice a year. Other wise there will be a great danger of the consultations becoming desultory. It is better that some meetings should be *pro formâ* than that the custom should lapse into disuetude. I am inclined also to think that term of three years of membership would be better than five.

II. (2) Similarly I agree with the establishment of a Provincial Advisory Council. It should meet at stated intervals and its members should be asked to and should tender advice whenever anything of importance was on the topic.

III. (3) I agree with the proposal to enlarge the Imperial Legislative Council and the general lines of the constitution. I think there should be two ruling Chiefs, not one. I agree that the representation of Muhammadans should be ensured, but consider that it would be better to amalgamate classes D (*b*), (*c*), (*d*) and (*e*) and to arrange for proportionate representation in each province. Thus Punjab should have a Hindu, a Sikh, and a Muhammadan. Bombay should have one Parsi for certain, etc.

(4), (5), (6) My own feelings are against election, but if there is any at all for the Imperial Legislative Council, it should be by the Provincial Council. I cannot imagine the great land-owners of different districts forming a satisfactory electorate. If not elected by the Provincial Council they should be nominated. Similarly, if Muhammadans are to have separate representation, I think nomination will be best.

IV. (7) I think that the Punjab Legislative Council should be enlarged to 21—11 officials and 10 non-officials.

(8) Paragraph 8 of Mr. Maclagan's letter as opposed to paragraph 9 of the Government of India letter shows clearly that nomination under existing condition ensures for better representation of different interests than election. I am certain that election would result in election of wire-pullers of Lahore, and the outside districts would have no chance.

(9) I would not bind Government, but consider that the average should be kept up much as at present.

Two Hindus, two Sikhs, four Muhammadans, and two Christians instead of half the numbers as at present.

(10) I do not think it practicable to have election through the boards, even if grouped by divisions.

The people of Mianwali have little or no connection with those of Muzaffargarh. I cannot think of any other electorates. If, as Lala Ganga Ram, District Judge, suggests, part of the council were nominated and part elected, the result should be that people would consider it an honour to be nominated, and the better men would void election and wait to be nominated.

(11) I do not approve of the proposal in paragraph 22 (*b*). I think that the system of nomination for municipal and district boards as in this district is best. I agree with M. Sultan Ahmad that if election is to continue in some districts, the system should be improved, but this is a matter for separate discussion.

(12) See paragraph (8) above.

V. (13) All my correspondents and myself are agreed in the advisability of further discussion of the Imperial Budget as proposed.

(14) The Budget should certainly be discussed in the Provincial Legislative Council and should be discussed by separate heads at the outset. There is nothing so valuable towards allowing more popular connection with Government than the power to discuss ways and means. In connection with this point I hope it will not be overlooked that this enlargement of discussion will also entail more work on officials, and that the necessary strength will be maintained.

(15) I think the power of interpellation sound, even though there are provinces in which this power is used somewhat frivolously. I therefore advocate its introduction into the Punjab Council.

A. J. O'BRIEN, CAPTAIN,

Deputy Commissioner, Mianwali.

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1. *Imperial Advisory Council.*—The idea of creating an Imperial Advisory Council is an excellent one and such council is sure to be of much service to the country. However, in order that this council may deserve the name proposed, and serve the purpose intended, I would respectfully submit that some slight alterations are necessary in the proposal for its constitution. As at present proposed, the council is to consist of Ruling Chiefs and territorial magnates only. It is clear that all interests will not be represented in the council if the proposed constitution is not altered. The Government have recognised the necessity of representing all interests in the Supreme Legislative Council. I submit that the same principle may, with advantage, be followed in the case of the Advisory Council.

Again, the landed aristocracy, at least in the Punjab, are not sufficiently well educated to give sound and independent advice on public questions, and for this reason also it is necessary that the council should include some members who on account of their attainments or public career are fitted to serve as councillors of Government and who can be expected to give independent opinion on questions of public utility with some show of authority.

2. *Provincial Advisory Council.*—It would really be a useful institution, and I have no suggestions to make regarding its constitution.

3. *Imperial Legislative Council.*—I approve of the proposed enlargement, but beg to submit the following observations with regard to its constitution :—

In the proposed constitution arrangements are made for separate representation of Muhammadans. This is hardly fair to the other classes. Either there should be no class representation, as it kills the spirit of competition, or if there is to be class representation, it should extend to all classes, in proportion to their importance and numerical strength. What I mean

is this that if the number of seats reserved for Muhammadans is fixed, the number of seats reserved for Hindus, Sikhs, Christians, Parsis, etc., should also be fixed, so that each class may be sure of its strength in the council.

This suggestion is not novel, and is in force in some of the important municipal committees of the province.

4. Yes.

5. I see no objection to the selection of one of the great land-owners of the province to the Imperial Council. In my opinion it would be better to make the selection by nomination. If, however, it is to be done by election, the electorate should be the land-holding members of the council.

6. See question no. 3.

7. *Provincial Legislative Council in the Punjab.*—I am of opinion that the number of members may be raised to 19 (exclusive of His Honour the Lieutenant-Governor). Of these 10 to be officials and 9 non-officials.

8. I would recommend the introduction of the elective system to a certain extent. Of the 9 non-official members, 3 may be nominated by Government (so that the Government may appoint some members to represent special interests, and the remaining 6 to be elected.

9. I am of opinion that the election should be free and without regard to class representation. If the Government finds that any class has not been represented in the election, it can set right the defect by bestowing on that class some of the seats in its gift.

10. The district boards and municipal boards should be given the privilege of electing members to the council. But I would, at the same time, remark that, as at present constituted, the district boards consist generally of members who cannot form an intelligent opinion on matters of importance and that some improvements are called for in the manner in which these bodies are constituted. Four members may be elected by these bodies, 2 by the district boards and 2 by the municipal committees. The Punjab Chamber of Commerce may elect one member and the University another.

11. I do not advocate class representation. The official majority in the council is the best guarantee that interests of all classes will receive due consideration.

12. I am against class representation in any form for the reason given in (11).

13. *Discussion of Budget in the Legislative Council.*—It would be more useful, if the system of discussing the Budget in the Imperial Council is altered in the manner suggested in paragraph 23 of Government of India letter.

14. Yes. It would be better if the discussion of the Provincial Budget is allowed in the Provincial Council. The discussion should be by separate heads, as suggested in paragraph 23 of Government of India letter.

15. Yes. The members of other Provincial Legislative Councils enjoy the power of interpellation, and there is no good reason for depriving the members of the Punjab Council of this much coveted privilege.

MIANWALI:
The 28th October 1907.

GANGA RAM,
District Judge.

Answers to questions on which opinions are desired in connection with Government of India letter no. 2310—2317, dated 24th August 1907.

I. (1) An Imperial Advisory Council shall be of service to the country no doubt, but its constitution and duties leave much to be desired. The constitution of the council is made up of the Ruling Chiefs and the landed aristocracy. *The Ruling Chiefs have no stake in British India* and possess no or little knowledge of the British Indian subjects, they would be hardly competent to give sound advice on matters affecting British Indian subject. *The advice of the Deputy Commissioners* would be more valuable than the opinions of such Chiefs. As for the territorial magnates, a good many of them are considered unfit to manage their own little estate and therefore naturally of not much use to sit on the council. But excluding such disqualified aristocracy, a better selection could be made. The educated territorial magnates, *especially the turn out of the Chief's College*, to be preferred. The claims of the various *professions, commercial bodies*, and *educationists*, at present left out, may also be considered and *provision* should be made to *represent these classes.* The object of Government to make its motives and intentions better known and to correct mis-statment and to remove erroneous impressions is not likely to be fulfilled by such a class of persons. Such an aristocracy never consents to stoop down to speak to the masses.

In the Punjab an electorate body for each separate division may be nominated to send one of their members on the Imperial Advisory Council. The electorate body of the division may be composed of one member for each district in the division. The members should be for a term of three years instead of five.

II. (2) *Provincial Advisory Council.*—The Provincial Advisory Council would be a useful institution, but the number of councillors beside one or two Ruling Chiefs should be 29, *i.e.*, one for each district. The selection of such councillors should be made from the various classes holding influence over the community. *The Muhammadans, being in majority in the Punjab, require no protection from the State,* but on the other hand the interests of *Sikhs* and *Christians* should be preserved. But it would have been far better if no such distinction had been made, as good from every class is very welcome.

III. (3) *Imperial Legislative Council.*—The enlargement of the Legislative Council is a desideratum, but the scheme sketched out in paragraph 12 of Government India letter does not secure the desired object. The *wholesale exclusion* of the lawyers from the legislative body and the inclusion of the landed classes not conversant with the existing laws and dependent upon the lawyers in their respective strife and petty quarrel in courts of justice is not a sign of improvement of the Legislative Council. It would be a round peg in a square hole.

The discourses are in English, which such landed members in many instances without the knowledge of the language would not be able to understand. The value of such law-giver is apparent. A lawyer of exceptional ability is required to promulgate law which may produce the highest good to the greatest number of people and the charge of law-making is vested in the law-members or persons specially fitted for the task. A zamindar can very well look after his estate.

(4) The proposal that one member should be elected by the Provincial Legislative Council is a desired thing.

(5) The selection of one great land-owner of this province to the Imperial Legislative Council from among provincial councillors, if the assembly is to be composed solely of the landed class, would meet the case.

(6) The appointment of four Muhammadans to Imperial Legislative Council, two by election and two by nomination, is a departure from the ordinary course of law. However to preserve Muhammadan interest two seats on the council for them by nomination are enough. The remaining four members should be elected from the qualified Muhammadans, Parsis, Hindus, Sikhs, and Christians. Although it may be contended by the Parsis, who are very much advanced in intellectual training, and by the Sikhs, who have fought for the British Crown since the dark days of mutiny, that the same concession may be extended to them. However, the laws to be promulgated make no distinction of caste and creed, and therefore passed by the ablest men, without any motive of whatever society are very welcome and less liable to be criticised.

IV. (7) *The Provincial Legislative Council.*—The number of members should be increased to 25—13 to be official and 12 non-official. The total number, including His Honour the Lieutenant-Governor, shall be 26. Of the 12 3 to be nominated by the Government and 9 to be appointed by election from among the different classes.

(8) One-fourth of the non-official members to be appointed by the Government and three-fourths by election. Five members to be elected, 1 each from Hindus, Muhammadans, Sikhs, Christians, and the graduates of the University. The remaining 4 to be appointed by the opinion of the majority from the qualified candidates. The qualifications necessary for such candidate is the payment of land revenue of Rs. 10,000 or above.

(9) The representation of each class is necessary, and the number of seats should be assigned to each class in proportion to their ability to pay the land revenue and income-tax. Muhammadans, Hindus, Sikhs, Christians and graduates to be qualified to be represented on the council.

(10) The election of unofficial members through municipal and district board would meet the case, if the members to these boards have been appointed by election. Where the condition of the district is backward the membership to be awarded by the Deputy Commissioner.

(11) Separate representation of classes, as proposed in Government of India letter, paragraph 22 (*a*) is advocated. The change proposed by the Government of India in paragraph 22 (*c*) in the constitution of municipal and district board is necessary.

(12) No separate representation of Muhammadans in addition to that open them by nomination or election in the ordinary way in the Punjab, where there is majority of them, is necessary. It may be necessary in other provinces, where the Muhammadans are in minority. But acting on one uniform principle no such distinction should be made. Of course the Government could make up the deficiency by nomination if their interests suffer.

V. (13) *Discussion of Budget in the Legislative Council.*—The alteration in the system of discussing the Budget in the Imperial Legislative Council in the manner suggested in paragraph 23, Government of India letter, are essential.

(14) The discussion of Provincial Budgets by separate heads on the lines suggested in paragraph 23 of Government of India letter is also desirable.

(15) The power of interpellation in the Punjab Legislative Council should also be introduced.

KISHEN LAL BAHEL,

Dated 27th October 1907. *Pleader, Bhakkar.*

Opinion tendered by Mirza Sultan Ahmed Khan, Revenue Extra Assistant Commissioner, Mianwali, in connection with Government of India letter No. 2310—2317, dated 24th August 1907.

I. (1) *Imperial Advisory Council.*—The proposal set forth in paragraph 4 of the Government of India letter regarding the constitution of an Imperial Advisory Council would in my opinion prove very useful considering the present state of the country and the ideas of the people, and would, one day, give effect to a condition of general tranquility. The following alterations in the proposals made in paragraph 5 appear to me to be worth consideration :—

(*a*) (2) *of paragraph 5.*—The appointment by the Viceroy of the Ruling Chiefs might perhaps be open to no defect, but it would appear more appropriate if the big land-owners are appointed by the Provincial Councils, in which case it is hoped to be done on a right principle.

(*b*) (3) *of paragraph 5.*—The landholders in the Punjab are not of uniform dignity and status throughout. They vary with the circumstances of their districts. Some districts possess very vast proprietorships, accruing comparatively large land revenues, but are below mark in education, while others have small ownerships, but are much advanced in learning. The principle of right proportion would not therefore be maintained if the dignity and status of the landholders be taken into account uniformly without any regard for the local state of affairs.

The definition of "sufficient dignity and status" for the purposes of council should be as consummate and comprehensive as to apply to the true condition of the agriculturists of all the districts of the Provinces as a whole.

(*c*) (7) *of paragraph 5.*—There can be no objection to keeping the proceedings of the council private and confidential from political point of view, but this would sometimes be a task of very great responsibility for the members, and a mere mention thereof even indirectly would go against the real object of keeping them secret. It would, I think, be more advisable to say that sometimes such proceedings would not, from political point of view, be published, and that the mutual consultations would be considered as ineligible for publication.

II. (2) *Provincial Advisory Council.*—The Provincial Advisory Council on the lines of the Imperial Advisory Council would of course be a useful institution. With reference to paragraph 6 of the Government of India letter the following points are worth consideration :—

(*a*) In addition to emergent occasions when the council can be called together at all times, it would be advisable to call it twice or thrice a year at fixed period. This would tend much to establish the feelings of general satisfaction among the people.

(*b*) The Provincial Councils should of course be of smaller size than the Imperial Council, but it is essential to have particular regard for the extent to which sub-sections of the communities and professional classes represent their position in each Province. As for instance in the Punjab, the majority of population consist of landholders, and if their tenants and other kamins be also taken along with them the total rises up sufficiently. This class should therefore be highly represented in the council in this Province with regard to agricultural objects.

(*c*) The inclusion of the great landholders in the Imperial Council might be necessary but the middle class zamindars should also be represented in sufficient number, according to the needs of the Province. The great landholders no doubt can serve as representatives of the interest of the lower and middle class ones, but in the case of the Punjab, unless the latter class is associated with the former, the object of common consultation cannot be obtained fully.

(*d*) The opinions tendered by the members of the Provincial Councils in their ordinary meetings should necessarily be given general publicity to, so that the classes they represent might have knowledge of the interest, etc., taken by them in the matter.

III. (3) *Imperial Legislative Council.*—It is necessary that the Imperial Legislative Council be enlarged. This is also essential because the Provincial Council cannot be liable to enlargement without the Imperial Council having been first extended. With reference to this question the following modifications suggest themselves :—

(*a*) (2) *A of paragraph 12.*—In the case of necessity the Lieutenant-Governor on the Agent to the Governor-General of every Province should be included in the council whether it assembles in Simla or Calcutta, while in other ordinary cases the proposal set forth appears sufficient.

(*b*) (2) *C of paragraph 12.*—In my opinion the ruling Chiefs should be two in number—one Hindu and the other Muhammadan—so as to preserve fair proportion in representing both sides in discussions.

(4) The proposal of electing one member by the Provincial Legislative Council as set forth in paragraph 13 of the letter appears to suit best the present state of affairs.

(5) Government is no doubt right in a way to think that substantial representation should be given to great land-holders, but there will accrue no practical benefit therefrom if the conditions of their inclusion be so restricted as to offer no easy and adequate scope for so doing in this Province. There is an idea current among the lower sections of the people of this country that the great land-holders are not only unaware of the real interests and local demands of the lower ones, but they consider it detrimental to their own pursuits and interests to acquire a knowledge of them. Under the circumstances, how far can the selection of big land-holders prove useful.

Paragraph 14 of the letter.—In the Government of India letter it is given out that only the persons paying land revenue of not less than Rs. 10,000 a year should have the right to vote. This condition might hold good in some other province of the country, but it would hardly suit the Punjab where it is likely to create manifold difficulties. If by annual land revenue it is meant that a person pays revenue to that amount a year for his own holding, the scope for election would be very narrow, as men of such standing are very rarely met with in the Punjab generally, and in the central districts particularly, where there are very small proprietorships.

Chief Secretary to Government, Punjab's letter no. 2643-S., dated 27th September 1907, shows that there are in the Punjab in all 52 land-owners paying land revenue of Rs. 5,000 and over. From the figure it is easy to judge the proportion it bears to the agricultural population of the whole province. This may be put in as the evidence to show how per thousandage not to speak of the percentage is insignificant.

Every law and every political discussion affects largely the middle and lower classes. Great land-owners and big people are generally free from legal and other disputable objects. They therefore take no interest in the affairs of smaller men, nor can they represent their side adequately and clearly in discussions. It is therefore most incumbent that the middle classes should also have some share, as the saying goes "a victim himself can express his woes best."

The limit of Rs. 10,000 land revenue a year proposed as giving the right to vote is very high, it should be from 2 or 3 thousands to 10 thousands, so to embrace all grades. Also the total land revenue of a joint family should be taken as the revenue paid by a leader of the family. If it be granted that the limit of Rs. 10,000 land revenue, the districts of Dera Ghazi Khan, Multan, and Campbellpur would always take part in the expression of opinions in the council, it means that the central districts of the Punjab are to be deprived for ever of the fair chance which Government intends to offer to the people. It is also apprehended that the consultations would not be as comprehensive as the calling together of the council's demands. It would be easy, no doubt, to adopt the system of nomination, but it will give effect to the same defects as are noticed above, if the same limit and condition of selection is preserved. The safest and the right systems can only be the following two :—

(1) Election; and

(2) Nomination.

If the appointments of members are made half by election and half by nomination it would be better in view of the primary state of affairs.

In the case of nomination it is essential that it should be done by formation of the districts of the province into circles, so that the classes as whole of the districts might share it. For this purpose there is no easier method than to call for Deputy Commissioners' reports on the subject, and then to make selection with regard to dignity, status, ability, and influence.

(6) The proposed appointment of 4 Muhammadan members to the Imperial Council would be very proper and to the Muhammadan community a matter of gratitude. The question how the elected members should be elected is somewhat a complicated one, *i.e.*, should the members of the Provincial Council make such elections, or should some other electorate under the conditions specified in paragraph 18 of the Government of India letter do

so? In my opinion it would be more appropriate to make half the appointments by election and half by nomination. The electors should have the qualifications determined with regard to the condition of every district.

IV. (7) *The Provincial Legislative Council in the Punjab.*—Undoubtedly a reasonable addition should be made to the number of members. The question to what figure the addition should be made largely depends upon the respective population of different provinces. In the case of the Punjab such addition should in no way be less than 15.

(8) The present system of nomination is a good one considering that it saves the trouble of canvassing, and the people who are afraid of opposition have to remain safe from the turmoils of keeping moving about to secure votes. But it would be more proper to fill half the seats by nomination and half by election.

(9) There should undoubtedly be a fixed rule determining the proportion of seats to be allotted to each class. The following are the important classes of the population of this province:—

(1) Sikhs.

(2) Hindus.

(3) Muhammadans.

This classification exists with regard to population and religious status of each.

Again Muhammadans sub-divided into 2 sections—agriculturists and others.

The Sikhs are, from religious and professional point of view, a distinct class from the Hindus. They should therefore have a separate proportion of seats.

The Hindus include a very small number of agriculturists, the majority of them being traders, shopkeepers, and Government and other servants. The seats should therefore be allotted to them in proportion to the population. This is the safe and clear method of representation and is sure to lead political discussions on right principles.

(10) Unless reasonable changes are effected in the method of elections in the municipal and district boards and their own method placed on a respectable footing, making elections through these bodies is simply to disgrace this sound system. The present way of election of the members of municipal and district boards is open to objection. The municipal system of election has been so disgraced that persons of some substantial standing consider it below their dignity to be appointed as members.

Such persons are always very rarely found in the district boards as might properly represent the zamindars or be able to give their opinion on their objects by acquiring knowledge of their condition. In making appointments of members, the present status of a class as a whole is disregarded. Unless the primary condition of affairs is bettered, it would not be creditable to make elections through municipal or district boards. In case these bodies attain to the respect compatible with their position, it would be beneficial to make elections through them. In preparing lists of voters it is no doubt appropriate to put in members of that class who have held or are holding office in local boards, but in some classes it would be hard to find such sort of persons. It would therefore be necessary to resort to some other method of appointment, say unconditional nomination, if sufficient members be not available from among a certain class as mentioned above.

The grouping of castes would create difficulty to some extent. If groups are formed according to sections it would be more easy. It is no doubt a good proposal that each member has to elect one of his own group. The property qualifications should be determined according as the separate condition of each province requires.

(11) There should be separate representation of classes as explained above. The remaining points bearing on the question have been discussed under question 10 above.

(12) I think provision should be made for the separate representation of Muhammadans. It would be advisable to make half the appointments by nomination and half by election.

If the above may not be thought proper, the following points demand consideration with reference to paragraph 17 of the Government of India letter:—

(*a*) The amount of land revenue should be fixed with regard to the average agricultural status of each province, so as to admit of the zamindars taking part with facility.

(*b*) It would be more proper if the Oriental scholars such as Alims, Fazils, or religious leaders be also taken along with the graduates of the Indian Universities. A right principle will be maintained in this way.

V. (13) *Discussion of the Budget in the Legislative Council.*—It is necessary to alter the system of discussing the budget in the Imperial Legislative Council in the manner suggest-

ed in paragraph 23 of the Government of India letter. The discussion should take place by separate heads. It is not sufficient to explain to members severally the heads to be discussed, but printed notes should be distributed among them before the council sits, so as to enable every member to enter upon the right discussion of any point.

(14) The Provincial Budget should be discussed in the Punjab Legislative Council. The system of discussion should be the same as in the Imperial Legislative Council.

(15) There can be no reason why should not the members of the Punjab Legislative Council have the power of interpellation, when the members in other provinces are so empowered, the members in the Punjab should also be.

My opinion is that to deprive the members of a Legislative Council of their right of interpellation is to weaken and dishonour the council itself. In such case the people generally think that the council exists in the name only and that it has neither any value nor any power.

The act of interpellation by members in the council clears the points under discussion. It tends much to develope gradually their faculty of systematic criticism and right discussion. The members begin to take greater interest in the debates than before, while Government finds therein a right and fair course of legislation, and the council is not termed as a so-called "dumb" council. The members who are unable to put any question are in fact like fancy pictures hung by way of decoration in the drawing room of the council, and their existence and non-existence is all the same.

SULTAN AHMAD,

Extra Assistant Commissioner,

Settlement, Mianwali.

Dated 3rd November 1907.

Dated Delhi, the 14th December 1907.

From—LALA BARKAT RAM, B.A., care of Postmaster, Delhi,

To—The Chief Secretary to the Government of the Punjab.

In thankfully acknowledging your letter no. 56 (Home) dated the 26th November 1907, I have the honour to submit my opinion regarding the proposals for council reforms, in the order of questions laid down in the enclosure to the Punjab Government letter no. 2643-S., dated the 27th September 1907.

I. (1) An Imperial Advisory Council could certainly be of immense good to the country and could, in due course, given the proper chances, bring about very happy relations between the rulers and the ruled, instead of the estrangement existing at present. Such a council could be helpful in avoiding the taking up of measures which, though well intended, would be calculated to go against the interests of the people, intended to be benefited, or to offend their sentiments, or to violate their traditions. Another great advantage would be, as rightly considered by the Government, that the council would be in a position to remove erroneous impressions to correct misstatements, and to make the motives and intentions of the Government better known. But all these advantages would depend upon the formation of the council on a right or a wrong foundation.

In regard to the foundation, as proposed by the Government of India, I would respectfully submit the following suggestions:—

"The association of the great ruling Chiefs and the teritorial magnates (alone) of British India, with the Governor-General, in the guardianship of common and Imperial interests to the exclusion of all proper representation of public interests, can produce no advantages whatever. Nor would the presence of the so-called hereditary leaders, refered to, on such a council bring about any of the desired results. Here are my reasons for the opinions held:—

(*a*) The ruling Chiefs and the territorial magnates, generally speaking, are far backward in education, intellectual advancement, moral courage, and patriotism to realize the sense of responsibilities of such a position, and to discharge them conscientiously guarding the interests, sought to be represented by them.

They do not form in proper sense the leaders of the people any more. The qualifications of a leader in the past do no longer hold good for the present day leaders of the peaceful times under the benign British Government, but are far divergent. In the near past there was no educational or patriotic test applied, but in the present times enlightened through the Western education and restoration of the laws of civilisation only those ought to be taken as leaders who really make some

sacrifice in the interests of the public, and are conscientious and undaunted guardians of their rights. Thus the so-called hereditary leaders can form no more the popular leaders of the nation.

(b) The Chiefs and the magnates are not in proper touch with the people and could not fairly represent the latter's views, much less guard them.

(c) Generally these Chiefs and magnates know of no other course than to say "aye" to "aye" and "no" to "no" with the Government, thinking that they could please the Government only thereby (and secure or serve their personal ends, than which there is nothing more dear to them), although the Government officers may be laughing at them, in their sleeves, and may value sincere and independent opinions as far more useful.

(d) The Chiefs would be exposed to criticisms from the public, which would result in embittering the feelings between themselves and the British subjects.

(e) The proposed class of councillors will be absolutely of little use, specially in the case that it is proposed to seek their opinion in confidential communications. Wanting, as they are, in moral conrage and patriotic feelings, they will have got all the more chance of yielding to their weakness in the vain hope of securing good will of the powers that be, and serving their own interests thereby, and saying nothing more nor less than "aye" to "aye" with the Government; because they will have no fear of the public criticism, or being looked down upon by the people for such unfaithfulness.

(There may be some honourable exceptions, but such would go only to prove the general rule.)

(f) All the world over it is admitted, and there is a regular fight for it, the most strenuous fight being carried on in the capital of the Empire of His Most Exalted Majesty the (our own) King-Emperor, that the public affairs are best in the hands of the middle classes, as opposed to the aristocracy; and this is the case where the aristocracy are as much advanced in education as are the middle classes. The rule should be consequently applicable with greater force to this land. There can be no different general rule for this country in regard to the subject under discussion.

(2) Therefore the Advisory Council to be of any practical use to the country should be recruited from only the real leaders of the people, the highly educated men of large capacity, well known for their independent, honest, patriotic but moderate views among their countrymen, no matter what class or creed they belong to, but representing all interests. No illiterate men or men of nominal education should be allowed an admission through any inlet, for such are the people as keep the Government officers in dark by withholding proper and real public opinion from them, through fear of alienating their favour, and are the source of all misunderstanding and wrong-doing on either side so very frequently.

I am not however opposed to those magnates, etc., having sufficient representation to guard their own interests. My object is that so much undue importance should not be attached to them, as the proposal betrays the Government are anxious to; and they should certainly not be entrusted with the guardianship of the public interests. On the contrary all interests of much greater importance, such as industry, commerce, capital, education, and the learned and other professions should be adequately represented on the council, as has been proposed by the Government itself, with regard to Provincial Advisory Councils.

(3) Yes, the council, under the present circumstances of the country, may with advantage be for purely consultative purposes.

(4) But it would be much more useful if the members were elected rather than nominated, because in that cas e alone the true opinions of the peeple could be ascertained. Members nominated by the Government are apt to pay less regard for the public opinions as to their way of discharging their high duties.

(5) It would give better satisfaction to the people if there could be a provision that all new changes or modifications in policy or administration, proposals regarding enhancement of revenue and expenditure, and new legislations were referred for opinion to the council, necessarily, before they are carried out.

(6) The public would be better satisfied, and there will be a better chance for arriving at the correct conclusions, by allowing the proceedings of the council to be open to public, except in exceptional matters of high importance, the disclosure of which may be considered against the public interests.

II. (2) Certainly, a Provincial Advisory Council would be a very useful institution. Regarding its constitution and duties I have the same remarks to make as in the above case, with which the Government of India proposals are in agreement, to a great extent.

III. (3) An enlargement of Imperial Legislative Council would, no doubt, be very welcome, but I would suggest the following modifications :—

(a) The proportion between the official and nominated and the elected members should be that of 32 to 22. This would in nowise stand in the way of Government majority.

For distributing the number of seats to be filled by election, I would make the following suggestions :—

(1) Commercial interests should be better represented.

(2) Undue importance need not be attached to the land-owning class at the exclusion of other interests.

(3) Special favour for class representations to Muhammadans would be a very unsound innovation and productive of serious evils in the long run.

(4) Again to open two doors for the Muhammadans by giving them two seats by election and two more by nomination, at the cost of other as important classes, would be an ill-advised departure which would result in sowing the seeds of serious discontent among innumerable interests, which it would be hard to satisfy afterwards.

(b) So I would suggest the composition as follows :—

A.—By nomination.

(1) The Viceroy	1
(2) *Ex-officio* members	8
(3) Other officials	16
(4) Ruling Chief	1
(5) Viceroy's other nominees	4
(6) Experts	2
	32

B.—By election.

(1) Commercial members (two to be Europeans and three to be Indians)	5
(2) Members on behalf of Provincial Councils	7
(3) Land representatives	5
(4) Education members (from the five Universities)	5
	22

III. (4) Yes; the proposal is a sound and satisfactory one.

(5) The five members proposed should be selected by nomination from the seven provinces named, by rotation, with the restriction that the members elected should be well-educated.

(6) As already explained above such special concessions to any one particular community are bound to work great mischief and so they cannot be recommended.

IV. (7) Yes; it would be better to raise the number to have a better representation of all interests. The number may be fixed between 15 and 20.

(8) All unofficial seats ought to be filled up by election.

(9) Electorates may be composed of—

Municipalities and district boards (by groups each)	1
University	1
Educated class	1
Commerce and Industry (through Chamber of Commerce)	1

Minorities, Hindus and Sikhs, should be granted special representations, if Muhammadans are given that concession in the Imperial Legislative Council.

(10) Please see answer to (9).

(11) I don't advocate separate representation of the classes at all.

(12) I don't advocate separate representation of the classes at all. (I am against any special concession to any class.)

V. (13) Yes. It would be highly beneficial.

(14) Yes, and precisely in the manner suggested.

(15) Yes, certainly.

BARKAT RAM,

Care of Post Master, Delhi.

No. 216, dated 23rd November 1907.

From—R. T. CLARKE, Esq., I.C.S., Deputy Commissioner, Muzaffargarh,
To—The Commissioner, Multan Division.

With reference to your letter no. 889, dated 3rd October 1907, I have the honour to forward herewith my opinion on the proposals for creating Advisory Councils and enlarging the existing Imperial and Provincial Legislative Councils. The views that I have expressed therein have been framed after conversations on the subject with leading men of all classes in the district.

I also forward an opinion on behalf of the local bar. The bar is, with one exception, composed of Hindus, and the views expressed by the gentlemen who have signed the opinion are in my estimation either narrow and tending to defeat the object Government has now in view or too advanced for the present political position of the country.

R. T. CLARKE,

Deputy Commissioner.

Endorsement by the Commissioner, Multan Division, no. 1035, dated Multan, 26th November 1907.

Copy, with enclosures in original, forwarded to the Hon'ble Mr. E. D. Maclagan, C.S., Chief Secretary to the Government of the Punjab, in continuation of this office letter no. 1015, dated the 21st November 1907.

M. W. FENTON,

Officiating Commissioner.

OPINION.

I. (1) The establishment of an Imperial Advisory Council is desirable for the reasons mentioned in the Government of India letter. Its proposed constitution and duties appear unexceptionable.

II. (2) The appointment of Provincial Advisory Councils would also be a popular measure, and is an almost necessary corollary of the Imperial Council.

III. (3) The enlargement of the Imperial Legislative Council is desirable on the lines laid down in paragraph 12 of the Government of India letter. I would, however, suggest two modifications:—

(*a*) The Punjab zamindars may be divided into two classes, (1) Muhammadans, (2) Hindus and Sikhs. The former occupy almost exclusively the western and southern districts, while the latter occupy the eastern. They have little in common in their ways of thinking and mode of life, and it is impossible to select one great land-owner to represent both parties satisfactorily. I would suggest that two members be chosen by the Punjab under D (*c*).

(*b*) The second modification which I would suggest is the necessity of allowing a member under E to the North-West Frontier Province and Baluchistan thereby raising the Viceroy's nomination to 5.

(4) I see no objection to a member of the Viceroy's Legislative Council being chosen by the non-official members of the Provincial Council except that that body must necessarily be small. For the present at any rate the nomination system by which the head of the local Government would select one of the non-official members of his own council to be a member of the Imperial Legislative Council is preferable.

(5) As I have noted above under (3), the Punjab should be represented by two land-owners—one Muhammadan and one Sikh, or Hindu: direct election is impossible in this province. There appears no grave objection to the second proposal in the Government of India letter (paragraph 15), but for some years it would probably be better that the selection should be made by nomination.

(6) As I have stated above, question 3 (*b*), I think 5 Muhammadan members should be appointed, 2 by election from the provinces specified in paragraph 18 of the Government of India letter by rotation. The electorate in this case should be as wide as possible, and the electorate specified in the Government of India letter as proposed by the Muhammadan deputation of 1906 would be suitable. (It is not of course intended that the two men should for any single term be chosen from the same province.)

IV. (7) It is, I think, generally admitted that the Punjab Legislative Council as at present constituted is too small. The number might with advantage be raised to, say, 27—

Officials members, including Lieutenant-Governor	15
Non-officials	12

The distribution of the non-officials which would seem to meet the case would be as follows:—

(*a*) Landed class	7
(*b*) Non-official commercial representative	1
(*c*) Educated Hindu class (barristers, pleaders, and University higher degrees)	1
(*d*) Muhammadan class (barristers, pleaders, and University higher degrees)	1
(*e*) Hindu or Sikh ruling Chief	1
(*f*) Muhammadan ruling Chief	1

(8) The present system of nomination might be relaxed to some extent in a council thus formed. I would suggest for class (*a*) the following system which is not worked out in detail. District boards should select from the class of landed proprietors two or three men for each district whose names would be submitted to the local Government, and from the 100 or so thus selected the local Government should nominate the number required.

For class (*b*) municipalities and the Chambers of Commerce would similarly submit names; for classes (*c*) and (*d*) enrolled barristers and pleaders and persons holding any degree from the Punjab University higher than that of B. A. would select the men.

For classes (*e*) and (*f*) nomination would still be necessary.

(9) It is absolutely necessary that the 7 seats in class (*a*) above should be distributed in a fixed proportion among classes. The proportion I would suggest is Muhammadans 4, Hindus and Sikh 3, or if the representation of Muhammadans thus is considered too high I would take away one seat to be assigned to the European non-official community.

(10) Under question (8) above I have sketched the mixed system of election which is the only system of election that can be worked with any success. An electorate composed of men of a certain rating scattered over a province is for many reasons impossible, and it is questionable whether it is well to rouse political passion by such a sudden change.

(11) I consider that change in the constitutions of boards and municipal committees generally are necessary on the lines laid down in 22 (*c*) of the Government of India letter, and that classes should be represented in all. This will be no great innovation.

(12) I think that provision for the separate representation of Muhammadans is necessary, and I think they should be selected by the mixed system of election and nomination which I have outlined above.

(13) The alteration suggested in the system of discussing the Imperial Budget seems desirable.

(14) It would seem unnecessary to discuss Provincial Budgets in the same way. Discussion of the Budget as a whole would be sufficient when added to the right of interpellation.

(15) The power of interpellation appears harmless and might therefore be allowed.

R. T. CLARKE,
Deputy Commissioner.

From—LALAS RAJENDAR PARSAD, NAU NEHAL KISHAN, and PYARE LAL, Pleaders, Muzaffargarh,

To—The Deputy Commissioner, Muzaffargarh.

As you have been graciously pleased to elicit the opinions of members of the local Bar, we beg to submit our humble opinion in the form of answers to the questions suggested in Punjab Government's letter, in the same order in which these questions are put :—

I. (1) The Imperial Advisory Council as suggested would be an ornamented body without being of any real use to the country. Either it must have some legislative recognition or at least so much that a bill, before being put before the Legislative Council, be first discussed in the Advisory Council. It should consist not only of ruling Chiefs and territorial magnates, but also merchant princes.

II. (2) The same answer as for question (1).

III. (3) We do approve of the enlargement of the Legislative Council, but we suggest the following modifications :—

In D (*a*) besides the Chambers of Commerce of Calcutta and Bombay, the Punjab Chamber of Commerce, and the Madras Mahajan Sabha should also be represented and the number made up to four. We propose also that a corresponding decrease in number be made by omitting clause D (*d*).

In D (*c*) besides nobles and great landowners, the merchant classes paying a certain amount of income-tax should also be included, because in the scheme as proposed the members returned by the Provincial Councils will mostly be from land-holding classes and if these seven members be also recruited from land-holding classes only, there would be fourteen members in all from this class and in this way the commercial classes will be wholly crowded out.

Regarding group D (*d*) this franchise to return two Muhammadans to the Councils by Muhammadans all over the country is undesirable, and if granted is likely to give rise to chagrin in other communities that are in minority, but are equally important such as Sikhs, Indian Christians, and the Parsis. The interests of minorities can very well be safeguarded under clause E. If the Government finds that in the members returned to the Imperial Council any of the classes that are in minority are not properly represented, the Government may exercise its discretion under clause E, and nominate such members as the Government deems fit.

III. (4) We approve that one member be elected by each of the Provincial Councils.

(5) We do not approve that a land-holder from this Province be selected for the Imperial Council. The land-holders are backward in education here. If such selection be desirable, nomination would be suitable.

(6) We approve that two Muhammadans be nominated to the Viceroy's Council, if the members returned do not fairly represent Muhammadans. It is an invidious distinction to grant a special franchise to one class to elect two members.

IV. (7) We approve the increase of members in the Provincial Council of the Punjab. The members might be 15, out of which the non-official members might be 7.

(8) The non-official members ought to be elected.

(9) The population of the Province ought to be divided not according to religion or caste, but according to their profession in life, *i.e.*, the land-holders and the commercial classes. The land-holders to elect 3, commercial classes 2, and the Punjab University to elect 1.

(10) The district and municipal boards are not proper electorates. Separate electorates for each class might be formed. A land-holder paying Rs. 1,000 a year as land revenue and a commercial man paying Rs. 100 a year as income-tax would be qualified to vote. The University member to be elected by a graduate of 10 years' standing.

(11) If the right of election be granted to district and municipal boards, then the proposal embodied in paragraph 22 (*a*) and (*b*) is suitable. A change in the constitution of the district and municipal board as suggested in paragraph 22 (*c*) would also be necessary, but the division of classes should be by occupation, not religion.

(12) If separate provision for representation of Muhammadans be considered absolutely necessary, then the process of election be restored to. The electorate may be formed in the manner suggested as a second alternative in paragraph 17 of the Government of India letter.

(13) Yes.

(14) Yes.

(15) Yes.

RAJENDAR PARSAD, *Pleader.*

NAU NEHAL KISHAN, *Pleader.*

PYARE LAL, *Pleader.*

No. 116, dated Lahore, the 18th February 1908.

From—The Hon'ble Mr. R. E. Younghusband, I.C.S., Commissioner, Lahore Division,

To—The Chief Secretary to the Government of the Punjab.

With reference to your endorsement no. 8 (Home), dated the 31st January 1908, forwarding for opinion copy of a letter no. 214, dated the 21st idem, from the Government of India, Home Department, regarding the claims of the Eurasian community to representation on the Advisory Councils and Provincial Councils in India, and on the Council of the Secretary of State, I have the honour to enclose herewith in original the letters marginally noted containing the opinions of all Deputy Commissioners in this Division, except Sialkot, whose reply has not been received yet.

1. Deputy Commissioner, Montgomery, no. 42, dated the 14th February 1908.
2. Deputy Commissioner, Lahore, no. 138-C., dated the 14th February 1908.
3. Deputy Commissioner, Amirtsar, no. 58, dated the 14th February 1908.
4. Deputy Commissioner, Gurdaspur, no. 45, dated the 8th February 1908.
5. Deputy Commissioner, Gujranwala, no. 306, dated the 5th February 1908.

2. So far as the Punjab is concerned, the number of Eurasians is not, in my opinion, sufficient to entitle them to separate representation. The proposal to reserve special seats for Muhammadans on the Viceroy's Council has undoubtedly stimulated other minorities (Sikhs, Eurasians, and possibly others) to apply for separate representation on it, and there will, in my opinion, be considerable difficulty in admitting the claims of Muhammadans to special representation and ignoring the claims of other minorities. In this connection I invite attention to my answer to question 6 in the opinion submitted with my letter no. 587, dated the 20th December 1907.

R. E. YOUNGHUSBAND,

Commissioner, Lahore Division.

No. 42, dated the 14th February 1908.

From—Captain C. H. Buck, Deputy Commissioner, Montgomery,

To—The Commissioner, Lahore Division.

In reply to your circular no. 28, dated 3rd February 1908, I have the honour to state that, in my opinion, it is not necessary to make any special provision for representation on the Advisory Council of Eurasians. A member of that class could be nominated, if considered necessary, among the non-official selected members.

C. H. BUCK, Captain,

Deputy Commissioner, Montgomery.

No. 138 C., dated the 14th February 1908.

From—Lieutenant-Colonel C. G. Parsons, I. A., Deputy Commissioner, Lahore,

To—The Commissioner, Lahore Division.

With reference to your circular endorsement no. 28, dated the 3rd February 1908, I have the honour to say that my opinion on the scheme for Advisory Councils in general was sent direct to the Under Secretary to Government (as far as I remember). My opinion on the point now raised can only usefully be read in connection with my general opinion. But I may say here that if Advisory Councils of irresponsible non-officials (as distinct from Councils of responsible officials) do come into existence, I think Eurasians should certainly be represented.

C. G. PARSONS, Lieut.-Col.,

Deputy Commissioner, Lahore.

No. 58, dated the 14th February 1908.

From—Miles Irving, Esq., I.C.S., Deputy Commissioner, Amritsar,

To—The Commissioner, Lahore Division.

In reply to your circular endorsement no. 28, dated the 3rd February 1908, on the subject of the representation of the Eurasian community, I have the honour to state that in my opinion it would be impossible to treat the Eurasian community apart from the domiciled community of pure European origin, and that it would be undesirable to recognise the Eurasian association as necessarily representative.

2. I think, however, that it would be desirable that the whole domiciled European community should be represented, and I should be inclined to connect the representation with

membership past or present of a volunteer corps. I would accordingly have such representatives as can be appointed to the Provincial Councils, elected by a constituency composed of all efficient volunteers in the province, all reservists who have been efficient ten years before transfer to the reserve, and all volunteers who have retired after 20 years, of which at least 10 must have been as efficients. The representatives on the Imperial Council might be elected either direct by the volunteers in India or by the provincial representatives from among themselves.

MILES IRVING,

Deputy Commissioner, Amritsar.

No. 45, dated the 8th February 1908.

From—MAJOR C. POWNEY THOMPSON, I. A., Deputy Commissioner, Gurdaspur,

To—The Commissioner, Lahore Division.

With reference to your circular endorsement no. 28, dated the 3rd February 1908, I have the honour to inform you that I do not consider it is necessary that the Eurasian community should be specially represented either on the Advisory Councils and Provincial Councils in India or on the Council of the Secretary of State.

9. The community is, as Mr. A. J. Robertson admits, numerically an insignificant part of the population of India. Their interests are to a great extent analogous with the interests of the European official community, and I think that Government may be trusted to pay due attention to any representations made by their associations.

3. Moreover, if the claim of such a small community to special representation in these councils is admitted, there are numerous other such communities which will consider they have equal rights to special representation.

C. P. THOMPSON, MAJOR,

Deputy Commissioner, Gurdaspur.

No. 306, dated the 5th February 1908.

From—E. A. ESTCOURT, Esq., C.S., Deputy Commissioner, Gujranwala,

To—The Commissioner, Lahore Division.

In reply to your circular endorsement no. 28, dated the 3rd February 1908, I have the honour to state that I do not think there are sufficient reasons for specially selecting the Eurasian community as entitled to have one or more seats in any of the Councils reserved for that community. The interests of Eurasians generally are so closely bound up with the interest of the Government itself that I do not think their interests will suffer in any way by not being specially represented. It would be further possible in the case of any Eurasian of sufficient merit being found for the Government to nominate that person specially to the council. Should the Eurasian class be specially singled out for representation, it would undoubtedly give rise to further claims of the same sort being put forward by Parsis, Jains, and others.

E. A. ESTCOURT,

Deputy Commissioner, Gujranwala.

No. 387, dated Rawalpindi, the 15th February 1908.

From—J. McC. DOUIE, Esq., I.C.S., C.S.I., Commissioner, Rawalpindi Division,

To—The Chief Secretary to the Government of the Punjab.

On receipt of your memo. no. 8 (Home), dated the 31st January, on the subject of the representation of the Eurasian community on the Imperial and Provincial Advisory Councils, which it is proposed to form, and on the Council of His Majesty's Secretary of State for India, I consulted the Deputy Commissioner of Rawalpindi, who has no opinion to offer on the subject. My own view is that there should be no representation of the Eurasian community as such on any of these bodies. The English Government in India has a very special duty towards its Eurasian subjects, and their importance is not to be measured by their numbers as compared with other classes. But if the Imperial and Provincial Advisory Councils are to possess real weight, they must be very small bodies. I think it is a defect in the scheme put forward by the Government of India that it contemplates the formation of councils consisting

of too many members. On a small Advisory Council there is no room for a Eurasian appointed specially to be the spokesman of the small community to which he belonged, and *à fortiori* it seems to me there is no room for him on the Council of the Secretary of State.

J. McC. DOUIE,

Commissioner, Rawalpindi Division.

No. 887, dated Multan, the 5th February 1908.

From—M. W. FENTON, Esq., I.C.S., Offg. Commissioner, Multan Division,

To—The Chief Secretary to the Government of the Punjab.

In reply to your circular no. 8, dated the 31st January 1908, I have the honour to say that no district or division with which I have ever been connected are the Eurasians as a class of sufficient importance as to require separate political representation.

2. The retention of a power to fill by nomination a few seats on each Legislative or Advisory Council will ensure that provision can hereafter be made to meet the claims of any class really entitled to representation. In this way it will be possible, if it is ever necessary, to nominate a member from among the Eurasians, Parsis, Buddhists, Armenians, Jews, Native Christians or any other such minor community.

M. W. FENTON,

Offg. Commissioner, Multan Division.

XI.

No. 860—1L.-6.

GOVERNMENT OF BURMA.

GENERAL DEPARTMENT.

FROM

THE HON'BLE W. F. RICE, I.C.S.,

Chief Secretary to the Government of Burma,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Rangoon, the 24th February 1908.

SIR,

I am directed to acknowledge the receipt of your letter No. 2315 (Public), dated the 24th August 1907, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Provincial Legislative Councils.

2. A copy of your letter was furnished to the Burma Chamber of Commerce, the Rangoon Trades Association, the Rangoon Municipal Committee, and the Rangoon Port Commissioners, as being the most important public bodies of the Province, and also to the Hon'ble Messrs. Stikeman and Roberts and Maung Ba Tu, K.S.M., non-official members of the local Legislative Council, and they were invited to favour the Lieutenant-Governor with an expression of their opinions on the important proposals under discussion. The advice of selected officers of administrative experience was also sought, and these were requested to submit their matured conclusions after consulting, as far as possible, representatives of all important interests in their respective charges. I am to submit, for the information of the Government of India, copies of my letter* No. 429—1L.-18, dated the 16th October 1907, and of the replies† received thereto, as displaying the views of public bodies and individuals representative of the various classes of the community in Burma. The Lieutenant-Governor has given his most earnest consideration to the discussion in your letter of the constitutional reforms proposed by the Governor-General in Council, and, after paying due regard to the advice and suggestions which he has received, he now submits the following expression of his own views and recommendations in the matter.

* Enclosure 1.

† Enclosures 2 to 16.

3. The object of the measures now in contemplation is to bring all classes of the people into closer relationship with the Government and its officers, and to give them wider opportunities of expressing their opinions on matters of practical administration. The measures proposed are admittedly a step towards the fulfilment of a pledge to give the educated classes among the natives of India a larger share in the actual work of administration and more extensive employment in the higher offices of the State. The justice and expediency of the policy so stated appear to the Lieutenant-Governor to be beyond dispute, and he has only to express his entire concurrence therein His Honour has no doubt

that a larger measure of self-government ought in the course of time to be conferred upon the peoples in India, and he thinks it probable that in many Provinces the time has now come when the measures proposed may be usefully undertaken with that end in view. But His Honour ventures at the same time to submit for the consideration of the Government of India certain remarks on the subject of this Province in particular and the application to it of the measures in question. In Burma, as the Government of India are aware, although elementary education of an indigenous type is widely spread, higher education is in a comparatively backward state. The number of Burmans who are possessed of a knowledge of English and of any real degree of education in the Western sense of the term is comparatively small and consists mainly of Government officials, lawyers and schoolmasters. The two latter classes are as yet few in number, and their influence with the rest of the community is by no means to be compared with that exercised by the professional classes in certain other Provinces. The bulk of the native population of Burma have not themselves the education to fit them to take a part in public life, and they have no natural representatives or leaders other than those officers of Government who are of their own race. They have as yet evinced no desire for an extension of self-government, and the Lieutenant-Governor doubts whether among the Burmese population any considerable number of persons can be said to take a real interest in the matter. The only local bodies in the Province are the Municipal Committees, and in the case of these the interest taken by the Burmese members in matters even of local importance is of the slightest character. It is certain that there has been in this Province no popular demand for any change in the existing methods of administration, and there is no reason to believe that the measures now proposed, if they are introduced in Burma, will for some time to come excite any genuine or substantial interest or response among the mass of the people. The conditions in Burma are in fact widely different from those prevailing in other Provinces in India, where higher education has made great advances and where large sections of the community have not only expressed a strong desire to take a more prominent part in public life, but have in some respects at least given proof of their fitness to share in the work of administration. In Burma those features are absent; the intellectual development is less, and the desire for self-government has, His Honour believes, not yet arisen. This view finds support in the official and non-official opinions which have been expressed on the present reference. Sir Herbert White deprecates the application to Burma of arrangements suitable to Provinces under widely different conditions. He does not think it at all desirable to encourage in Burma the growth of political opinion on the lines of other Indian Provinces; and he thinks it would be an unmixed evil to confer on this Province institutions for which the people are not prepared and for which they have no desire. It is with due regard to the conditions described and opinions indicated above that the Lieutenant-Governor now submits the following remarks and recommendations.

An Imperial Advisory Council.

The Imperial Advisory Council which it is proposed to create would be a body of advisers who would be consulted individually and collectively by the Governor-General, and who would be entitled, when summoned for collective deliberation, to offer their counsel to the Government of India on important matters affecting the welfare of the people. The Lieutenant-Governor has no doubt that benefit would accrue from the association in this manner of suitable representatives of the peoples in India with the Imperial Government, and the proposals to this end, which are set forth in paragraph 5 of your letter under acknowledgment, seem to His Honour to be generally suitable. But I am to submit two suggestions for the consideration of the Government of India with regard to the composition of the Imperial Advisory Council and the interests to be represented thereon. The intention of the Government of India is that the Council should represent the views of the hereditary leaders of the people, and it is therefore suggested in your letter that it should consist of about sixty members for the whole of India, including about twenty Ruling Chiefs and a suitable number of the territorial

magnates of every Province where land holders of sufficient dignity and status are to be found. If this proposal is adopted, the European and Eurasian communities will apparently be unrepresented on the Council, and this omission appears to the Lieutenant-Governor to be of doubtful expediency. It is true that these communities have other means of placing their views on any subject before the Government of India, and that the secondary object of the Council, namely, to serve as an agency for the diffusion of the correct information upon the acts, intentions, and objects of Government, has not the same force in their case as it has in the case of the native population. But apart from those considerations it seems to the Lieutenant-Governor that the Imperial Advisory Council should properly be representative not of native interests only, and he thinks that the good results to be expected would be enhanced if the Native Chiefs and gentlemen serving as Imperial Councillors were associated in their deliberations with a certain number of non-official Europeans and Eurasians of good position. This matter, so far as it relates to Eurasians, has been dealt with in your letter No. 215 (Public), dated the 22nd January 1908. With regard to the enquiry in that letter, I am to say that while the Eurasian community in Burma is comparatively small, the members of it as a class hold themselves less aloof from the Burmese population, and their interests are therefore less isolated than is believed to be the case with the Eurasian community in India. The interests of the section in Burma of the Eurasian community do not, therefore, in the Lieutenant-Governor's opinion, entitle them to special representation on the Imperial Advisory Council, but His Honour suggests that a measure of representation for the Eurasian community as a whole might suitably be conferred by the appointment as Imperial Councillors of one or more Eurasian gentlemen who might be nominated for the approval of His Excellency the Viceroy by the Eurasian and Anglo-Indian Associations of Madras, Bombay and Calcutta. Sir Herbert White is strongly impressed with the political expediency no less than with the natural equity of affording every encouragement to the Eurasian community and larger means of improving their intellectual and material condition. He is convinced that, with better training and fuller opportunity, they should become an important and loyal section of the community with the same standards as those of Europeans. He regards as entirely mistaken the view that Eurasians should be encouraged to adhere rather to the Native than to the European side of their origin. They should be a very valuable branch of the European population and an important addition of strength to the Government. For these reasons, any measure which will tend to raise Eurasians socially or politically should be welcome. And the allotment of due representation on the Imperial Advisory Council to the Eurasian community seems to His Honour to be a measure which should be warmly supported. A European gentleman of good position might at the same time, His Honour suggests, be selected for service as an Imperial Councillor from each of the more important Provinces in India. But this seems to the Lieutenant-Governor to be of less pressing importance than the recognition of the claims of Eurasians. Europeans, official and non-official, have many opportunities of making known their views and wishes, and it is of less moment that they should be represented on the Imperial Council.

5. The second suggestion which the Lieutenant-Governor desires to submit with regard to the Imperial Advisory Council is one which more intimately affects this Province. It relates to the representation on the Imperial Advisory Council of the indigenous races of Burma. Although the status of the Shan Chiefs is not the same as that of the Native Princes of other parts of India, His Honour hopes that the Shan States will be represented on the Council by one or more Shan Chiefs appointed among the Ruling Chiefs who, it is proposed, shall form a portion of the Council. But with regard to Burma proper I am to observe that as the Government of India are aware, there are no great landowners or hereditary aristocracy among the Burmese, and it would not therefore be possible to nominate territorial magnates to represent the Burmese community on the Imperial Advisory Council. His Honour hopes, however, that it is not the intention to exclude Burma, apart from the Shan States, from representation, and he would strongly deprecate any such proposal. Although it may not be possible to find suitable members for a large Pro-

vincial Council and although the constitution of such a Council may not be desirable, if an Imperial Council is to be constituted, it seems necessary that all Provinces should be duly represented: and it will doubtless be possible to find suitable representatives in Burma. The Lieutenant-Governor submits, therefore, that, in the absence of territorial magnates, the Burmese should be represented on the Imperial Council by a proportionate number of Burmans of good position, qualified to voice the opinions of the people of the Province. His Honour thinks that he could, if so permitted, recommend for appointment by His Excellency the Viceroy a sufficient number of Burmese gentlemen who would be qualified in dignity and ability for a seat on the Imperial Advisory Council. The gentlemen selected would probably, in most cases, be retired officials of the British Government, but I am to submit that this need not be regarded as an objection. The appointment of retired officials as Imperial Councillors would be strictly in accordance with the customs and opinions of the Burmese themselves, who have always regarded the official class as the aristocracy of the country. The Lieutenant-Governor trusts, therefore, that, in the final composition of the Imperial Advisory Council, provision may be made for the appointment of selected Burmese gentlemen other than large land holders as Imperial Councillors.

PROVINCIAL ADVISORY COUNCILS.

6. It is proposed to constitute in each Province a Provincial Advisory Council by which the local Government would be furnished with a selected body of advisers whom it would consult upon all measures of importance affecting the population committed to its charge. The proposal, as a general measure of policy, meets with the Lieutenant-Governor's approval and His Honour has no reason to doubt that in the more advanced provinces in India the benefits anticipated by the Government of India will in fact accrue. A similar result might be anticipated in this Province if a different stage of development had been reached; but I am to submit that the conditions in Burma are not yet ripe for such a measure, and that it should not for the present be introduced. In the existing circumstances, to which reference has been made, the Lieutenant-Governor doubts whether it would be possible to appoint sufficient members of a Provincial Advisory Council in Burma who would be truly representative of the people, and whose advice and assistance would, at the same time, be of much real value. Neither in the Public press nor in the opinions which have been recorded, is there any serious or enthusiastic expression of a desire for an Advisory Council in Burma. And Sir Herbert White does not believe that such a Council would be practically useful. He strongly recommends, therefore, that the creation of an Advisory Council for this Province should be postponed until the interest and the knowledge of the people with regard to public affairs and Western methods of administration have increased. It is recognised, however, that this view may not commend itself to the Government of India, and I am accordingly to submit the following proposals for the formation of a Provincial Advisory Council in Burma in case it should be decided that the immediate constitution of such a body is desirable.

7. The Lieutenant-Governor proposes that the Provincial Advisory Council should consist of twenty members, made up of the following nationalities in the proportions stated :—

Europeans and Eurasians	2
Mahomedans	1
Hindus	1
Chinese	1
Shans	2
Burmese	13
Total	20

The members of the first four classes would probably, in most instances, be selected from Rangoon and the other principal towns where the greater portion of the communities in question are located and their leaders ordinarily reside.

The two Shan members would generally, it is proposed, be selected from the Northern and Southern Shan States respectively. Of the thirteen Burmese members, the Lieutenant-Governor proposes that ordinarily one should be selected from each of the eight Commissioners' Divisions, and that the remaining five should be c mposed of one member selected from each of the five towns of Rangoon, Mandalay, Moulmein, Bassein and Akyab. This distribution could not be invariably followed with exactness, but it would serve as a general guide. The rural population of the Province, consisting of the landowners and all persons whose interests are wholly or partly connected with agriculture, would be represented by the eight Burmese members chosen from the Commissioners' Divisions. Industry, commerce, capital, and the professional classes would be represented by the European, Mahomedan, Hindu and Chinese members, and by the five Burmese members selected from the large towns. It is suggested in your letter that the Provincial members of the Imperial Advisory Council might with advantage form the nucleus of the Provincial Advisory Council. The Lieutenant-Governor concurs in this suggestion, and he proposes that the abovementioned twenty members of the Provincial Council should include the Shan Chiefs and Burmese gentlemen whom he has recommended above for appointment to the Imperial Advisory Council. The question whether the members of the Provincial Advisory Council should be appointed by election or by nomination has been discussed by certain of the gentlemen whose views are submitted as enclosures of this letter, but the Lieutenant-Governor is satisfied that no practical scheme of election could be devised. There are no District or Local Boards in this Province, and the only public bodies which could be conveniently utilised as an electorate are the Municipal Committees of the larger towns, and in Rangoon the Chamber of Commerce, the Trades Association, and the Port Trust Board. Except in the case of the European members, however, none of these bodies could well be utilised for the election of members of specified nationalities. It has been suggested by one officer* that village headman might be utilised as an electorate in the case of the Burmese members representative of rural areas but there are, in the Lieutenant-Governor's opinion, obvious objections to this proposal. It is improbable that the majority of the headmen would take an intelligent interest in the matter and there is no reason to suppose that the persons elected by them would be suitable. Having regard to the great importance of obtaining Councillors whose advice and counsel would be of real assistance to the Local Government, the Lieutenant-Governor has no doubt that all the members of the Provincial Advisory Council should be appointed by nomination. That, indeed, is the suggestion made in paragraph 6 of your letter, and His Honour does not understand that the Government of India contemplate the appointment by election of the members of Provincial Advisory Councils. It is suggested in your letter, however, that the members of the Provincial Advisory Council should be nominated for the Viceroy's approval by the Head of the Local Government. His Honour ventures to submit that the matter is one with which the Local Government would be competent to deal, and that the members might therefore suitably be appointed by the Lieutenant-Governor himself. Finally, there is a point which in this Province is of much importance, and to which I am to draw special attention. The constitution of the Provincial Advisory Councils is, it is understood, to be entirely non-official. This is doubtless practicable in many Provinces and in Burma the Lieutenant-Governor would, he thinks, probably be able to nominate or appoint non-official European, Mahomedan, Hindu, and Chinese gentlemen to serve on the Advisory Council of the Province. The two Shan members also could be selected from among the Chiefs of the Shan States, and a certain number of suitable Burmese members could probably be found among the professional and other educated classes resident in the larger towns. But the selection of Burmese members to represent the rural population would give greater difficulty. The small landholders of the Province are almost all unacquainted with English, and they are not possessed of sufficient education to render their services as Councillors of any real value. Probably for some time to come the majority of these members would have to be

*Enclosure 13.

selected from among retired Burmese servants of the Government. There would, I am to submit, be no real objection to this, and there would probably be no other means of obtaining suitable representatives. The Lieutenant-Governor hopes, therefore, that it may be decided that, if a Provincial Advisory Council is formed in Burma, retired servants of the Government may be regarded as eligible for nomination as Councillor. It would be necessary to grant an allowance to members summoned from a distance, and the Lieutenant-Governor hopes that provision may be made for this. I am to suggest that members of the Provincial Advisory Council, when summoned for consultation, should be permitted to draw travelling allowance, including halting allowance, as if they were Government servants of the first class. These proposals are submitted as being in the Lieutenant-Governor's opinion the most feasible, having regard to actual conditions, but His Honour ventures to repeat his recommendatien that an Advisory Council should not for the present be constituted in this Province. It will be observed from the letters* received from the Hon'ble Messrs. Stikeman and Roberts and the Chairman of the Burma Chamber of Commerce, that the European mercantile community are satisfied with the existing practice by which the local Government habitually consults the representative local bodies in all matters affecting their interests. In the case of the Asiatic communities, and in particular the great mass of the rural population of the Province, there has been no demand for any change, and the Lieutenant-Governor does not believe that by means of an Advisory Council he will be supplied with more accurate information as to the opinions of the people than he now obtains through the medium of the officers of Government who are in touch with them. With regard to the Burmese in particular, His Honour anticipates that the gentlemen who may be selected for appointment to the Provincial Advisory Council will display no alacrity, and he fears that their deliberations on administrative affairs will be of little value.

*Enclosures 4, 5, and 6.

THE IMPERIAL LEGISLATIVE COUNCIL.

8. The Governor-General in Council has decided that the Legislative Councils in India shall now be enlarged to the fullest extent compatible with the necessary authority of the Government, and desires that these bodies shall be so constituted in respect of non-official members as to give due and ample representation to the different classes and interests of the community. The scheme formulated in your letter for the enlargement on those lines of the Imperial Legislative Council seems to the Lieutenant-Governor to be generally suitable, and there is nothing in the recommendations which he is about to submit with regard to the Provincial Legislative Council which is inconsistent with the proposals of the Government of India for the future constitution of the Legislative Council of the Governor-General. His Honour ventures to submit, however, that the constitution of the Imperial Legislative Council, as detailed in paragraph 12 of your letter under acknowledgment, contains insufficient provision for the representation of the non-official population of Burma. The only non-official members from Burma under that scheme would be one member elected by the non-official members of the Provincial Legislative Council, and possibly in addition one of the non-official members other than Mahomedans, to be nominated by the Viceroy to represent minorities or special interests. I am to urge that the provision is inadequate, and that Burma is entitled to representation on the Imperial Council on a scale as liberal as that allotted to other Provinces. His Honour recommends, therefore, in the first place, that one member should be elected by the Burma Chamber of Commerce, as is proposed to be permitted in the case of the Chambers of Commerce of Calcutta and Bombay. This proposal, I am to submit, is justified by the industrial development of Burma and the growing interests of its mercantile community. The mercantile interests of Burma are fully represented by the Chamber of Commerce which is a body of weight and influence; and it is most desirable that these interests should be directly represented on the Imperial Legislative Council. It is specially necessary that there should be this representation in order that the important and powerful commercial community of Burma may have an

opportunity of expressing its views in the discussion on the Budget and of obtaining information by interpellation in Council. This will tend to remove the impression which certainly exists among the non-official European community that, owing to its geographical position and the dissimilarity of its conditions, Burma does not receive due consideration from the Imperial Government. It will also tend to emphasize the solidarity of the Province with the rest of India which, it has been suggested, is sometimes in danger of being overlooked. Sir Herbert White therefore ventures to press this recommendation as strongly as possible.

9. In the second place I am to point out that Burma is excluded from the provision by which one member will be elected by the nobles and great landowners of each of the seven important Provinces in India. That is inevitable, owing to the fact that there are in Burma no large land-owners and no hereditary aristocracy; but I am to submit that though there are no large land-owners in Burma, the agricultural interests of the Province are none the less of great importance, and the agricultural community, which forms the bulk of the population, is entitled to representation equally with the land-owning class in other Provinces. For this reason I am to recommend that special provision may be made for a representative from Burma among the four non-official members who, it is proposed, should be nominated by the Viceroy to represent minorities or special interests. The Lieutenant-Governor fully accepts the view of the Government of India that the Mahomedan community should be granted a measure of representation commensurate with its numbers and political and historical importance, and His Honour has therefore no objection to offer to the proposal that not less than two of the non-officials to be nominated by the Viceroy should be Mahomedans, but I am to submit that the same arguments apply to the Buddhist community, which is also entitled to special measure of representation. The numbers of the Buddhist community in Burma may be estimated at present at about nine millions, and I am to recommend that, of the four non-officials to be nominated by the Viceroy to represent minorities or special interests, one should be a Burmese Buddhist.

10. I am also to recommend that it may be definitely stated that at least one of the official additional members of the Legislative Council shall be appointed for each of the larger Provinces. If this is not done there is a risk that in this respect also Burma may not receive an equal share of representation.

11. If these proposals are accepted, the proposed constitution of the Imperial Legislative Council would then stand as follows:—

A.—*Ex-officio*, the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of the Executive Council . .	8
B.—Additional officials, of whom one at least should represent each of the Presidencies and the United Provinces, the Punjab, Burma, Eastern Bengal and Assam, and the Central Provinces, to be nominated, not exceeding	20
C.—A Ruling Chief to be nominated by the Viceroy . . .	1
D.—Elected members—	
(*a*) By the Chambers of Commerce of Bengal, Bombay and Burma	3
(*b*) By the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	7
(*c*) By the nobles and the great land-owners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces . . .	7
(*d*) By Mahomedans	2
E.—Non-officials or retired officials nominated by the Viceroy to represent minorities or special interests, not less than two to be Mahomedans and one to be a Burmese Buddhist . .	4
F.—Experts to be nominated by the Viceroy, when necessary, for special purpose	2
Total .	54
Or, including His Excellency the Viceroy .	55

The Provincial Legislative Council.

12. The Lieutenant-Governor is prepared to adopt the suggestion of the Government of India and to accept a substantial increase in the number of the non-official members of the Legislative Council. Such official and non-official opinion as has been expressed is in favour of this proposal. At present the Burma Legislative Council, which was first constituted in the year 1897, consists of nine members, all of whom are nominated by the Lieutenant-Governor with the sanction of the Governor-General. The Council as at present constituted consists of five official and four non-official members, two of whom are Burmese. There is difficulty in finding qualified non-officials outside of the European mercantile community for nomination to the Council, and it is not possible, therefore, to increase the number of the non-official members to a very great extent. Hitherto, owing to the absence of persons of conspicuous standing and intelligence even among the professional classes, no Mahomedan, Hindu, or Chinaman has yet been appointed to the Provincial Legislative Council and the Burmese members have been almost exclusively selected from among the Shan Chiefs or *ex*-officials of the late Burmese or the British Government. No regulations have been framed as to the conditions under which the nominations of any members of the Burma Legislative Council shall be made, but in practice the European non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners, and the Municipal Committee of Rangoon. The Provincial Budget is not brought under discussion in the Legislative Council, and the members have no right of interpellation, because rules authorizing those privileges have not as yet been framed under section 2 of the Indian Councils Act, 1892. The Lieutenant-Governor has carefully considered whether, in the observance of the principle that the widest possible representation should now be given to all classes, races and interests, the elective system should be introduced, but he is satisfied that it is practicable to do so only to a very limited extent. His Honour proposes that in future the Council should consist of eight official and seven non-official members, of whom two shall be, as at present, representatives of the European mercantile and trading communities. The total strength of the Council will thus be fifteen or, including the Lieutenant-Governor, sixteen. His Honour trusts that the numbers will not be regarded as too small to admit of the adoption of the proposal that one non-official member of the Imperial Legislative Council should be elected by the non-official members of the Burma Legislative Council. One of the European members of the Provincial Legislative Council may, it is suggested, be elected by the Burma Chamber of Commerce. The other will, it is proposed, be nominated by the Lieutenant-Governor after consultation with the Rangoon Trades Association, the Rangoon Port Commissioners, and the Municipal Committees of Rangoon, Mandalay, Moulmein, Bassein, and Akyab. It has been considered whether the latter member might not be elected by all or some of these bodies, but no practical scheme has been devised. One member shall, His Honour proposes, be selected to represent the Indian and Chinese mercantile and trading interests. No feasible system of election canbe suggested for these communities, and their representative also will require to be nominated by the Lieutenant-Governor. The remaining four non-official members will, it is proposed, represent the Burmese population. The only existing machinery which could be used as an electorate in the case of these members is provided by the Municipal Committees of the larger towns, but these, while they represent only a portion of the whole community, are at the same time largely composed of natives of India, Chinese, and other races, and they are therefore unsuitable for the purpose. All four Burmese members of the Legislative Council will therefore, it is proposed, be nominated by the Lieutenant-Governor. Their selection will be made so as to afford representation, as far as possible, to all interests, agricultural, commercial, industrial, and professional.

13. After the Council has been enlarged in this manner the Lieutenant-Governor, concurring in the unanimously expressed opinion on this point, proposes that discussion of the Provincial Budget and the right of interpellation should be allowed. The proposals of the Government of India in paragraph 23 of your

letter, for the discussion of the Budget in the Legislative Council, seem to His Honour to be suitable, and he is prepared to adopt them. A separate note containing a detailed statement of the alterations which the Lieutenant-Governor desires to make in the Council regulations in order to carry out these proposals is submitted as an enclosure* of this letter.

*Enclosure. 17.

14. For convenience of reference a list of the enclosures of this letter is appended.

I have the honour to be,

Sir,

Your most obedient servant,

W. F. RICE,

Chief Secretary to the Government of Burma.

[illegible]

I have the honour to be,

Sir,

Your most obedient servant,

[illegible]

[illegible]

LIST OF ENCLOSURES.

1. Letter No. 429—1L.-18, dated the 16th October 1907, to the Chairman, Burma Chamber of Commerce, and certain others.

2. Letter No. 4832, dated the 1st November 1907, from the Superintendent and Political Officer, Southern Shan States.

3. Letter dated November 1907, from the Hon'ble Maung Ba Tu.

4. Letter dated the 16th November 1907, from the Hon'ble Mr. W. R. Stikeman.

5. Letter dated the 27th November 1907, from the Hon'ble Mr. Sidney Roberts.

6. Letter dated the 3rd December 1907, from the Chairman, Burma Chamber of Commerce.

7. Letter No. 6106—1L.-7, dated the 17th December 1907, from the Commissioner, Arakan Division, and annexures.

8. Letter No. 135—3M.-2, dated the 6th January 1908, from the Secretary to the Financial Commissioner, with annexures.

9. Letter No. 158—17L.-07, dated the 11th January 1908, from the Commissioner, Magwe Division.

10. Letter No. 3118—300, dated the 13th January 1908, from the Chairman and Chief Engineer, Port Commissioners, Rangoon, with annexures.

11. Letter No. 19T.-08, dated the 14th January 1908, from the Secretary, Rangoon Trades Association, with annexure.

12. Letter No. 1804—2M.-79, dated the 24th January 1908, from the President, Rangoon Municipality, with annexures.

13. Letter No. 581—2L.-1, dated the 33rd January 1908, from the Commissioner, Mandalay Division, with annexures.

14. Letter No. C.-69—6L.-13, dated the 26th January 1908, from the Commissioner, Irrawaddy Division, with annexures.

15. Letter No. 1439—5L.-17, dated the 30th January 1908, from the Commissioner, Pegu Division, with annexures.

16. Letter No. 63—2L.-1, dated the 4th February 1908, from the Commissioner, Mandalay Division, with annexures.

17. Statement of the alterations proposed in the Regulations relating to the Burma Legislative Council.

Enclosure 1.

From the Hon'ble W. F. Rice, I.C.S., Chief Secretary to the Government of Burma, to (1) the Chairman, Burma Chamber of Commerce; (2) the Chairman, Rangoon Trades Association; (3) the President, Rangoon Municipal Committee; (4) the Chairman, Rangoon Ports Commissioners; (5) the Financial Commissioner; (6) the Commissioner, Pegu Division; (7) the Commissioner, Mandalay Division; (8) the Commissioner, Magwe Division; (9) the Commissioner, Arakan Division; (10) the Commissioner, Irrawaddy Division; (11) the Superintendent and Political Officer, Southern Shan States; (12) the Hon'ble W. R. Stikeman; (13) the Hon'ble S. Roberts; (14) the Hon'ble Maung Ba Tu, K.S.M.,—No. 429—1L.-18, dated the 16th October 1907.

I am directed to forward a copy of a letter No. 2315, dated the 24th August 1907, from the Government of India in the Home Department, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils. The measures which are brought under discussion are of much importance, and the Lieutenant-Governor will be glad to be favoured with the views of the {1. Burma Chamber of Commerce / 2 Rangoon Trades Association / 3. Rangoon Municipal Committee / 4. Rangoon Port Commissioner} / 5—14, your views with regard to them. I am to offer the following remarks on certain points which immediately concern this Province.

2. The first proposal dealt with by the Government of India relates to the establishment of Advisory Councils as a means of free and intimate consultation between Government and the community. If a Provincial Advisory Council is constituted for Burma in the manner proposed, the Lieutenant-Governor suggests that twenty would perhaps be a suitable number of Councillors to be appointed. His Honour is also disposed to think that the best plan will be for all the members of the Advisory Council to be nominated, but if any practicable scheme for the election of the Advisory Councillors can be devised, His Honour will be glad to consider it. This question, as well as the number of Advisory Councillors to be appointed, are matters on which the Lieutenant-Governor desires to receive the advice of the {Burma Chamber of Commerce. / Rangoon Trades Association. / Rangoon Municipal Committee. / Rangoon Port Commissioners.} / your advice.

3. With regard to the proposals for the enlargement of the Imperial and Provincial Legislative Councils, I am to explain that the Burma Legislative Council, which was first constituted in the year 1897, consists of nine members, all of whom are nominated by the Lieutenant-Governor with the sanction of the Governor-General. Under section 45 of the India Councils Act, 1861, not less than one-third of the members so nominated shall be non-officials. The Council, as at present constituted, consists of five official and four non-official members. No regulations have as yet been made by the Governor-General in Council under section 1 of the Indian Councils Act, 1892, as to the conditions under which the nominations of any members of the Burma Legislative Council shall be made, but in practice certain of the non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners and the Municipal Committee of Rangoon. In the Legislative Councils of most other Provinces in India the annual financial statement of the local Government is brought under discussion, and the asking of questions on matters of public interest is permitted. This is not the case at present in Burma because these privileges only arise when rules authorising them have been made under section 2 of the Indian Councils Act, 1892, and no such rules have as yet been framed for the Legislative Council of Burma. In dealing with the proposals of the Government of India with regard to the Provincial Legislative Councils, the Lieutenant-Governor will be glad to be favoured with the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} / your advice as to whether an annual discussion of the Provincial Budget and the right of interpellation should be introduced in the Legislative Council of this Province. Another point on which the Lieutenant-Governor desires to receive the advice of the {Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners} / your advice is as to what

increase, if any, in the membership of the Burma Legislative Council is desirable and in what manner it can best be effected. His Honour is prepared to adopt the suggestion of the Government of India and to accept a substantial increase in the number of the non-official members of his Council. As at present advised, however, he doubts whether the elective system could usefully be introduced to any great extent. He suggests for consideration that the Burma Chamber of Commerce might suitably elect one member, and the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association might, in combination, elect another. The Members of the Provincial Advisory Council, when constituted, might elect one or two more. Apart from these members who might be appointed by election, it would probably be necessary for the remaining non-official members of the Burma Legislative Council to be nominated as at present, and it might perhaps at the same time be laid down that not less than two of the elected members should be natives of Burma. If the number of non-official members of the Legislative Council of the Province is increased as suggested, His Honour will welcome the proposal of the Government of India that they should elect one non-official member of the Imperial Legislative Council.

4. The above are certain points on which the advice of the { Burma Chamber of Commerce / Rangoon Trades Association / Rangoon Municipal Committee / Rangoon Port Commissioners } / your advice is sought, but the Lieutenant-Governor hopes at the same time to receive a full expression of opinion on the proposals as a whole and on all the aspects of the subject.

I am to ask you to be so good as to submit your matured conclusions, after consulting, as far as possible, representatives of all important interests in your charge.

To Nos. (5)—(11) only.

The suggestions on certain points which are put forward in the foregoing paragraphs are, I am to explain, tentative and provisional only. They indicate the views which the Lieutenant-Governor is, as at present advised, disposed to hold, but they do not represent His Honour's final conclusions, and they are put forward at this stage merely in order to afford a basis of discussion.

5. As the Government of India have desired to receive a reply from the local Government not later than the 1st March 1908, the Lieutenant-Governor will be glad to have a reply to this letter at as early a date as possible.

ENCLOSURE 2.

From Sir J. GEORGE SCOTT, K.C.I.E., Superintendent and Political Officer, Southern Shan States, to the Chief Secretary to the Government of Burma,—No. 4832, dated the 1st November 1907.

In reply to your General Department No. 429—1L-18, dated the 16th October 1907, regarding the creation of Imperial and Provincial Advisory Councils I have the honour to state that on the face of them, and theoretically the proposals are most axiomatic and full of promise. Except to party politicians with dangerously little knowledge and sadly fluent verbosity, and to irresponsible students, they are unhappily likely to prove disappointing. From the present state of Imperial politics, however, they appear inevitable, though the great mass of the Indian populations and still less the people of Burma are really fitted for them.

The Province of Burma is in so many ways different from those in India that from one point of view the question is more difficult and from another infinitely more easy.

In India there is a very much larger number of possible electors who are educated in the ways of Government, even if it be only to consistently oppose those ways, and have definite and frequently stubborn views on the questions which will come before the Councils for discussion. The number of individuals qualified at any rate in their own opinion, to be Councillors is also very much greater.

In Burma the general body of the people is far more literate than in India but there are comparatively few who are qualified to be Councillors, nor would many of the electors be properly qualified to select suitable candidates.

It may be that my long detachment from Burma propor may make this opinion seem presumptious, but so far as the opinion is worth anything I am unhesitatingly of the opinion that the Councillors should be nominated and not elected.

The number suggested—twenty—seems suitable, provided that of these twenty Councillors, or in addition to them, two should come from the Shan States; *primâ facie* one from the Northern and one from the Southern charge, but not necessarily so, if in either charge there should be two who are most obviously fitted for the post.

As regards the Shan States I feel myself justified in very strongly recommending that the Councillors should be nominated and not elected, whatever course be adopted for the rest of the Province.

The conditions of the Shan States is no doubt primitive though not so primitive as appears to be lightly assumed, but the interests of the States are considerable, and in the future it may be hoped will be very large, when the country is opened up.

At present the Chiefs are in a transition state. There is a constantly decreasing number of Chiefs who belong to the old régime whose advice could not be ignored on any point of old customary law. There is another body, consisting mostly of those who have succeeded since the States were taken over by the British Government, whose opinion would not be of much value either with regard to old customs or new proposals. There is a third body now being educated at the Chief's school, who, it may be hoped, will grow into useful members of the Empire, but who at any rate are certain to take an interest in general affairs and may form their interest through the study of hysterical literature.

It is certainly an undisputed fact that a very considerable number of the Chiefs subscribe to the vernacular papers, follow contemporary events and form strong opinions. Though the condition of the states be primitive it is not wise to assume that the Chiefs can be safely ignored as varnished savages or heavy bumpkins, though some may present that appearance.

I would therefore submit that, in view of the area of the Shan country, the number of rulers and the transition state in which it now is, one Shan Chief should sit with the twenty proposed in the Government of India letter for the Imperial Council, in addition to the one non-official member suggested in your letter now under reply. The Yawnghwe *Sawbwa* is the Chief whom I have in my mind in writing this. His views both with regard to Burma and the

Shan States would be deserving of respect. I urge this matter all the more strongly because if the forty-eight Shan Chiefs do not obtain recognition now they are unlikely to do so for a considerable number of years.

2. Theoretically I think, that in the annual discussion of the Provincial budget, the right of interpellation should be permitted in the Legislative Council of Burma, if only for the purpose of ventilating and discussing, refuting or substantiating, the points that are now fitfully raised in the newspaper press.

I would therefore support the proposed increase in the number of the non-official members of the Burma Legislative Council and give them the right of interpellation.

Possibly it might be well that the Rangoon Chamber of Commerce should elect a member and the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trade's Association might very suitably elect another conjointly, but I would submit that the remainder should be nominated either expressly by the Lieutenant-Governor or at any rate from a list submitted by the electorate or some body chosen to represent the electorate. I would also submit that at the very least one member should represent the Shan States, North and South, and that he should be nominated and not elected.

I would also very respectfully urge that it is extremely desirable that the people of Burma should have representatives on the Council who are real and not *pseudo* Burmans; Buddhists and not perverts; and particularly that the people of Burma should not be lost sight of in favour of the aliens who make money out of them.

ENCLOSURE 3.

From the Hon'ble MAUNG BA TU to the Chief Secretary to the Government of Burma, dated Insein, November 1907.

In reply to your letter No. 429—1L.-18, I have the honour to inform you that I have nothing to add, as my views on the subject in question entirely coincide with those contained in the said letter.

I do not think that it will be necessary for me in this letter to go into the question of the advisability of establishing an Advisory Council, as there cannot be a shadow of doubt that the existence of such a Council will be highly beneficial and most advantageous to this country. The number of members suggested by His Honour is neither excessive nor small.

The appointment of members both for the Advisory and Legislative Councils should, in my humble opinion, be by nomination at least for the present. Burma stands in a peculiar position with regard to the other provinces of India inasmuch as education is still in its infancy, and its people for the most part not sufficiently enlightened to appreciate and value the advantages of an elective system.

This being the case, suitable men for the Council can only be obtained by selection. I beg humbly to suggest that a certain number of the nominations be for the present reserved for retired officials who have had the practical advantages of studying and observing the conditions and needs of this country and its people, and thus would be able to give much valuable advice on measures which theoretically may give no room for criticism but in practice found to be failures.

ENCLOSURE 4.

From the Hon'ble W. R. STIKEMAN, Vice-Chairman, Rangoon Port Commissioners, to the Hon'ble W. F. RICE, I.C.S., Chief Secretary to the Government of Burma,—dated the 16th November 1903.

I have the honour to acknowledge your letter No. 429—1L.-18, dated the 16th October 1907, regarding the proposed creation of Imperial and Provincial Advisory Councils, and the enlargement of the existing Imperial and Provincial Legislative Councils.

So far as these proposals concern the Indian Councils other than that of Burma, I feel that I have not sufficient knowledge of the local aspirations and requirements to be in a position to offer any useful comments, and therefore refrain from touching on the views and suggestions contained in Sir Harold Stuart's letter of the 24th August 1907.

The principle however of associating the Ruling Chiefs, Territorial Magnates and all the stable elements of Indian Society with the Government of the country cannot but be sound and has my entire sympathy and approval. Whether the proposals now formulated will meet with the success that they deserve, time alone will show, but they appear to me to trend in the right direction.

So far as Burma is concerned I am inclined to doubt whether at the moment the policy now propounded may not be premature, and certainly so far as my knowledge extends, it has never met with any popular recognition or demand.

Burma is on a rather different plane to any of the other Indian Provinces: its growth and prosperity having been extremely rapid, and its future would appear to be particularly bright, but this can hardly be considered due to the initiative of the Burmese themselves, but more to the great natural wealth of the land which has been mainly developed by the energy of alien races. The country possesses few natural leaders and practically no territorial magnates, though the former may in course of time be expected to arise. The elective principle is also almost entirely absent so far as any useful purpose would be served, and therefore it is desirable to continue the present practice of nomination with a few exceptions.

Although no demand at present exists for the enlargement of the Legislative Council, I am prepared to admit that, with the enlargement of other Indian Councils and the general advance of this province, such may arise in the near future, and I am therefore inclined to agree in the main with the proposals contained in your letter under reply, which I now propose to consider in detail.

2. *Provincial Advisory Council.*—Twenty Councillors, all nominated by the local Government, should prove a sufficient number to represent fairly the varied interests of the Province. I would suggest that it should be constituted as follows:—

Two Europeans	Two Mahomedans
Two Hindus	One Chinaman

who, on account of the greatly preponderating influence and importance of Rangoon over the remainder of Burma should, in my opinion, be mainly if not wholly chosen from the Capital, as so many of the large interests in the country and smaller towns have their headquarters or representatives in Rangoon.

A *Sawbwa* might very well be appointed to represent the Shan States, and the remaining vacancies would be filled by other nominees, the majority of whom should be Burmans.

No practicable scheme for election appears possible.

3. *Enlargement of Provincial Legislative Council.*—For the reasons already stated, I am in favour of a moderate increase in the number of the non-official members, and I will now review the means by which it is proposed they should be provided—

(*a*) The election of one member by the Burma Chamber of Commerce has my entire approval.

(*b*) The election of one member by the Rangoon Municipal Committee, the Port Commissioners and the Trades Association conjointly presents difficulties owing to the want of unanimity between these three bodies, and also their different composition. The two first are limited to 25 and 13 members respectively, and are not likely to be increased in the near future; the latter consists of 29 members at present, but is unlimited in membership and will probably receive in course of time large accessions. The difficulty might be overcome by granting each body a fixed and equal number of votes. For example, say, the number of 100 is agreed upon. Each Municipal Commissioner would command four votes, each Port Commissioner six votes with a surplus of four, each member of the Trades three votes with a surplus of 13.

The surplus votes might automatically be allocated to the nominee who heads the respective poll. This number would allow of ample expansion to the Trades Association, and when the membership exceeded 33 the recently joined members would receive one vote less than the older members.

If some such device be not adopted, it is possible, and even probable, that each body will elect a different representative, and in such a contingency the decision might very well devolve upon the Lieutenant-Governor. Whatever method is adopted an equality of votes might be decided in this manner.

(*c*) I favour the Provincial Advisory Council electing one member, who should be a Burman, which thereby would, in my opinion, receive its full measure of representation.

(*d*) I approve of the remaining non-official members being nominated as at present, and should it be decided to retain the present number of four, the non-official element would consist of seven members. The Council, with the addition of official members, would thus probably consist of 15 or 16 members, a number sufficiently large to admit of all interests being fairly represented.

4. I approve of an annual discussion of the Provincial Budget and the right of interpolation.

5. I also approve of the non-official members of the Legislative Council electing one non-official member of the Imperial Legislative Council.

ENCLOSURE 5.

From the Hon'ble SYDNEY ROBERTS, to the Chief Secretary to the Government of Burma,—dated the 27th November 1907.

I have the honour to acknowledge receipt of your No. 429—1 L.-18 of 16th October.

It occurs to me that the conditions in Burma are so very divergent from those obtaining in the other Provinces of the Indian Empire that one has to consider whether the proposals dealt with in letter No. 2315, dated the 24th August 1907, from the Government of India in the Home Department, are at the present stage in any form suited to the requirements of this Province.

A careful perusal of that letter and of the speeches of the Secretary of State for India and His Excellency the Viceroy has left upon my mind the impression that the Government are anxious to satisfy a demand which whilst having taken form in certain Provinces has no existence in Burma.

And as the Government of India has, in my opinion wisely, hitherto refrained from forming regulations for Burma under section 1 of the Indian Councils Act as to the conditions under which the nominations of Members of the Burma Legislative Council shall be made so I think they will be well advised in considerably limiting for the present the application of the measures which is under consideration.

In this country there are no Ruling Chiefs, Nobles or Great Land Owners in the sense in which the terms are used in the letter from the Secretary to the Government of India. The Mercantile Community although rapidly increasing in numbers can as yet only be regarded as of comparative importance, the number of firms belonging to the Chamber of Commerce being forty-five.

Whilst each Province may perhaps be said to be in a state of development this is more particularly the case in regard to Burma and at the same time the main condition operating in favour of development creates a state of transition in the character of the population for many years to come. It is a point for consideration whether or not the different communities forming this inevitable heterogeneous population should be represented on the Council and I venture to express the opinion that it is advisable to delay taking any steps in this direction until there is more evidence of the existence of leading men of education among the various races.

To the formation of an Advisory Council I can see no objection and I consider that in fixing the number of Councillors at twenty the Lieutenant-Governor will have ample scope for selecting representatives of all existing interests and those likely to arise within a reasonable period of time. From every point of view I think that nomination of Members is the best plan and I am neither able nor desirous to suggest any scheme of election. At the present moment the Lieutenant-Governor refers to the Local Public Bodies, such as the Chamber of Commerce, the Trades Association, etc., for their opinions, questions in which such bodies may be particularly interested, and I should regret the formation of the Advisory Council if this method of obtaining well considered collective opinions was abandoned in favour of a looking for advice from such Members of these Public Bodies as may be nominated to the Advisory Council.

I have given my reasons for not at present favouring any substantial increase in the number of non-official Members of His Honour's Council, but in the event of some enlargement being decided upon I would suggest that the Additional Members might be found in the persons of some Chief of the Shan States and an Elected Member of the Chamber of Commerce; this would raise the number of non-official European Members to three and I think that the interests of all Public Bodies would be fully represented by this number. If, however, it is deemed advisable, as suggested by his Honour, to have a Member particularly representative of the Trades Association, the Municipality and the Port Commissioners, it occurs to me that it might be wise, whilst permitting these Bodies either in combination or separately to select names, to leave the nomination of the representative in the hands of the Lieutenant-Governor. Any further addition to the Council would to my mind at this stage tend in the direction of over-representation and possibly lead to persons who have not the desirable qualifications securing seats.

Although I think some difficulty might be experienced in finding a non-official Member who would be able to accept the position of a seat on the Imperial Legislative Council yet I agree with His Honour in welcoming the proposal that the non-official Members should be accorded the privilege of electing a representative.

I am quite in favour of the right of interpellation being introduced into the Legislative Council as I consider that it will assist in making the measures and motives of the Government more readily understood.

Enclosure 6.

From J. R. Halliday, Esq., Chairman, Burma Chamber of Commerce, Rangoon, to the Chief Secretary to the Government of Burma,—dated the 3rd December 1907.

I have the honour to invite a further reference to your General Department letter No. 429—1 L.-18, dated the 16th October 1907, forwarding copy of a letter No. 2315, dated the 24th August 1907, from the Government of India in the Home Department, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Provincial Legislative Councils, which has received due consideration from the Committee of the Chamber.

In reply, I am to say that the Committee approve of the formation of a Provincial Advisory Council for Burma, but, at the same time, venture to hope that the formation of such a Council will not result in any modification of the present policy of Government of seeking the opinion of the Chamber of Commerce, Trades Association, and other public bodies on questions in which such bodies are particularly interested.

They also approve of the Lieutenant-Governor's suggestion that the Council should consist of 20 members, who should all be nominated, and would suggest the following composition, *viz.*, two Europeans, two Hindus, two Mahomedans, and one Chinaman. Of the thirteen remaining vacancies it is thought desirable that the majority should be filled by Burmans, and that, in view of the unusually preponderating importance of Rangoon over the rest of Burma, the capital should be represented by at least one-third of the Council, and also that one of the *Sawbwas* might very appropriately be appointed to represent the Shan States.

With regard to the enlargement of the Provincial Legislative Council, although the Committee are inclined to the opinion that a substantial increase in the number of non-official members is perhaps premature in this Province, as no such need has ever been publicly recognized or expressed, they are nevertheless prepared to approve of a moderate increase in view of the probable enlargement of the other Provincial Legislative Councils, which might cause the demand for an increase to assume voice and shape if the Burma Legislative Council remained unaltered, and they are in agreement with the proposals put forward, *viz.*—

(*a*) That the Burma Chamber of Commerce should elect one member.

(*b*) That the Rangoon Municipal Committee, the Port Commissioners and the Trades Association should conjointly elect one member.

In this case, however, there would be some difficulty in arriving at a satisfactory basis of voting. The first body consists of 25 members, the second of 13, and the last of 29. The first two are limited in the constitution of their members, but the last has an unlimited membership and may receive large accessions in the next few years. An actual poll might therefore give the Trades Association an undue advantage to the exclusion of the nominees of the other two bodies. It is possible and even probable that each body would favour a different candidate and, in such a contingency, it is suggested that the decision should be left in the hands of the Lieutenant-Governor. The only other alternative would appear to be to give each body the same number of votes, and even then an equality might occur.

(*c*) That the Provincial Advisory Council should elect one member only and that he should be a Burman.

(*d*) That the remaining non-official members should be nominated as at present, as the elective system appears to be too limited to form a satisfactory basis.

It is also thought desirable that there should be an annual discussion of the Provincial Budget and the right of interpellation, and the election of one non-official member of the Imperial Legislative Council by the non-official members of the Legislative Councils is approved of.

The Committee have refrained from commenting on the broad principles enunciated in Sir Harold Stuart's letter, as they feel that they are not sufficiently acquainted with the varied needs and circumstances of other Indian Provinces to form an accurate opinion, but they cordially sympathise with the Government of India in their desire to associate with themselves the moderate and stable elements of India Society, the Ruling Chiefs, and large landowners.

ENCLOSURE 7.

From B. HOUGHTON, Esq., B.A., I.C.S., Commissioner, Arakan Division, to the Chief Secretary to the Government of Burma,—No. 6106—1L.-7, dated the 17th December 1907.

In reply to your General Department letter No. 429—1L-18, dated the 16th October 1907, I have the honour to give as follows my opinion regarding the proposed Advisory Councils and the remodelling of the Legislative Councils. A copy of letter No. 3707—1L.-4, dated the 15th November 1907, from the Deputy Commissioner, Akyab, together with the written opinions of certain members of the Akyab Municipal Committee, the Committee was consulted informally on the subject, are also forwarded herewith. My remarks shall, in the first instance, deal with the Councils so far as Burma is concerned.

2. The functions of an Advisory Council are stated by the Government of India to be two-fold: firstly, they will form a body to be consulted in important matters, either individually or on rarer occasions collectively by the Local Government, and, secondly, they will be "an agency for the diffusion of correct information upon the acts, intentions and object of Government." They will possess neither voting nor legislative powers, their functions being purely consultative. From these premises it follows that no numerical limit is placed to this Council as with the Legislative one by the necessity for an official majority; no officials will be membered amongst them; there will be an absolutely free hand in fact so far as members are concerned. I cannot but think then that the number (twenty) suggested in your letter is very much below that which is both practical and expedient. In the first place Burma is a large province about the size of France with a population of over ten millions. The ideas and idiosyncrasy of the people differ widely not only between the urban and rural populations, but between Upper and Lower Burma, between cosmopolitan towns, such as Rangoon and the indigenous peasantry such as in Myingyan or Sandoway. If we are to have a real consensus of the opinions of the people, a true microcosm of their ideas, hopes, fears, desires and aspirations, we must have available a fairly large body of men, a body drawn from all districts of the Province and representative of the various shades of local feelings. Take, for instance, such measures as the empowerment of Burmans to make wills, or a codification of their laws of inheritance. Surely an Advisory Council of twenty members would be inadequate to determine the real views of the people on such a question; we should feel so far as they were concerned as though erecting a lofty structure on foundations both frail and slender.

3. But there is another and to my mind very weighty reason for a comprehensive Advisory Council. Throughout Asia at the present time the new or Western knowledge is stirring and producing ideas and aspirations but little in conformity with traditional oriental stagnation. Hence everywhere even in Burma there is gradually coming into existence a Liberal or progressive as contrasted with the Conservative or Reactionary Party which latter still embraces the great bulk of the population. Though as yet small in numbers those people possessing Western knowledge are usually very influential and they are at least in Burma practically the only indigenous non-officials capable of understanding the gist and principles of a new Bill and of criticising it from an independent stand-point. It is, of course, to be regretted that in Burma as in India the more intelligent non-officials adopt the law as their profession and it is no doubt true that in India at least the legal profession is over-represented. But it is necessary to accept the facts of the case and unless a fair opportunity of expressing their views is afforded to the legal profession, Government will deprive itself of what is probably the most intelligent and valuable non-official opinion. Now unless the Advisory Council is in Burma numerically large, the almost certain result will be that it will be filled with eminently respectable, even influential, people wholly destitute of the power of criticism or of that extended knowledge which can only be obtained by a liberal education on Western lines. Far be it from me to demur to the presence of such worthies on the Councils. Without them or indeed a majority consisting of them the Councils would not indeed be truly

representative. But unless through enlarged numbers opportunity is given for inclusion of a number of lawyears and such like educated non-official opinion the Councils are likely to be of the nature rather of decorous ornaments that of instruments of practical utility.

4. Again, it is obvious that, unless there is at least one representative for each district and more than one for more important districts the second function of the Advisory Council that of disseminating the objects and intentions of Government is likely in practice to result in an entire failure. Even with one member for each district, the number of people who will be acquainted through such members of the said objects and intentions will be extremely exiguous. If one throws a handful of seed in a ten-acre field of wheat one does not expect any appreciable quantity of the entire growth to be pollinated by it. Clearly anything but a large number of Advisory Councillors will spell failure for this aspect of the matter.

5. From the above considerations I would recommend an Advisory Council of perhaps eighty members. Each of the thirty-four districts in Burma should send a member and the more important two members. The balance should be made up of representatives of trading interests in Rangoon, Shan Chiefs, and special members to represent such peoples as Muhammadans, Hindus, and Karens. I would not give an undue proportion to Rangoon interests; they are sufficiently vocal not to say vociferous even now, and need no excessive representation in order to press their particular interests.

6. The members of the Council should at its inception at least be nominated by Commissioners, but those for Rangoon might perhaps be elected. When summoned together for deliberation the proceedings should ordinarily be public; the healthy and free discussion of public measures can to my mind be productive of nothing but good. The President, who will be a Government official, might have power, however, to declare that specified sittings or portions of sittings should be held *in camera*.

7. In respect to the Legislative Council we are at once confronted by the limitation in numbers due to the necessity for preserving an official majority. This necessity is a regrettable but inevitable feature of our policy. The spectacle of a number of officials brought in like faggot voters to create a majority does not, I confess, altogether commend itself to my mind, but presumably such contrivances as to make each official's vote count as two or to make the President's vote decisive would not be accepted as practical alternatives. But if such expert members as the Director of Public Instruction or the Inspector-General of Hospitals are included amongst officials there should be no difficulty in bringing the number of the latter up to ten and thus of obtaininig nine non-official members. There can be no doubt that the more non-official members there are the better. As regards the method of appointment I would have at least seven out of the nine members elected by the Advisory Council, the remaining one or two members being nominated by the Lieutenant-Governor to represent any important interest not allowed for in the election. My reasons for recommending this large number of elected members are as follows.

8. No one who has followed the proceedings of the Burma Legislative Council but must have been struck by the absence of any real discussion or any incisive criticism of official measures. Even so vitally important a measure as the Village Bill which affects intimately the life of every peasant in the country was passed without any real debate, except perhaps in Committee. From a purely bureaucratic point of view nothing can be more admirable than the decorum, smoothness and brevity of the debates; but are such qualities healthy or wholesome from the wider national standpoint? Are they consistent with any real national interest in the proceedings or with the quickening and vivifying of the national political conscience? The heated debate, the sharp retort, the impassioned speech are no doubt mightly disturbing and sometimes even indecorous but they at least evidence a keen and intelligent interest in matters political, the first awakening of the people to the highest task of a citizen, that of self-Government. Those who have examined the moon through a telescope know well the beauty in the ordered symmetry of its ringed plains, the glitter of the peaks on the terminator, the dazzling whiteness of the strangely marked uplands; but

such beauty is that of a dead and silent world. For the average man this earth of ours with its fog-banks, its storms and blasting hurricanes, its sunshine alternating with periods of gloom possesses a higher and more intellectual charm; for it represents life and change all in fact that stands for progress. So must it be with these Legislative Councils. So long as they retain their air of cold decorum they fail in obtaining that free discussion of principle and detail necessary for the due elaboration of laws, and they fail also in awakening that interest and intelligent criticism without which the political education of a people is impossible. For these reasons I am strongly in favour of the election of a large proportion of members by the Advisory Council.

9. It follows from the above that I am also in favour of a discussion on the Budget and of the right of interpellation. The Deputy Commissioner, Akyab, considers the latter right inconsistent with an autocratic government. But in the first place we are not strictly speaking an autocratic government, we are an autocratic government in process of change to a more popular form, or one at the least largely tempered by popular opinion. In the second place unless I am altogether mistaken in the character of educated Burmans there is no reason to fear the insolent personalities, the venomous and unfounded attacks on Government, which have elsewhere done so much to hinder the march of liberal ideas. In Burma criticism of Government is much more likely to be expressed in temperate and courteous language and to be based on real errors of procedure or of principle.

10. As regards the representation of Burma in the Viceroy's Council I consider that it should be represented by at least one official and one non-official member, the latter of whom should be elected not by the Legislative but by the Advisory Council. Political history shows us that the more direct an election, the more likely the person elected is to be a real representative of the people. Moreover, by giving the Council this double power of election to both Councils we shall do much to strengthen and develop popular interest in it, a point which its want of direct power renders of some importance.

[illegible]

[illegible] members be the Advisory Council.

[illegible] Government [illegible]

[illegible] of principle.

[illegible] the representation of Indians in the Viceroy's Council [illegible] should be supplemented [illegible] elected by the Legislative [illegible] Council [illegible]

From Major W. R. STONE, I.A., Officiating Deputy Commissioner, Akyab, to the Commissioner, Arakan Division,—No. 3707—1L-7, dated the 15th November 1907.

With reference to your Judicial Department demi-official letter No. 5298—1L.-7, dated the 28th October 1907, I have the honour to report as follows.

2. The Government of India's letter on the subject of Advisory and Legislative Councils was circulated to all the members of the Akyab Municipal Committee, and the subject was discussed unofficially at a Special Meeting held on the 14th November 1907. I requested the members to record their views in writing and three members (Mr. Tun Chan, U Lu Bu and Mr. Wilson) were good enough to do so. Two other members, Mr. Ahmed and Mr. Orr Orr, have also promised to put their views in writing, and these five expressions of opinion will be submitted to you on receipt from the Municipal Office with the printed letter, the eturn of which has been requested. With the exception of these five members no other memer of the Comm ittee had any views to offer, the members named confined their expressionsof opinion to the views expressed in writing, the only difference being that the view that each district should be represented by one member on the Burma Advisory Council found some favour.

3. The members of the Committee, however, were generally of opinion that in a matter of such importance, demanding detailed consideration, each of them should have been supplied with a printed copy of the Government of India's letter, but only one copy is available for circulation, and this has to be returned to you.

4. My own views are as follows :—

Imperial Advisory Council.—I understand that the Government of India have already decided what the constitution and functions of this Council are to be. Burma should certainly be represented by one non-official member, elected by the Legislative Council or by the Advisory Council. The election might be restricted with advantage to natives of Burma, who would thus be given some share in the Imperial Advisory Council. Burmans would not be adequately represented by a European or Native of India. Such a member could only efficiently represent the Mercantile classes of Rangoon who have already the largest facilities of pressing their views on the authorities. A non-Burman so elected would not represent the agricultural or Buddhist communities, and would not be an efficient agent for the diffusion of correct information upon the acts, intentions and objects of Government.

5. *Provincial Advisory Councils.*—Members should be nominated, at all events for some years, until experience is gained as to the working of the Council. I cannot suggest any practicable scheme for election. In my opinion the Council should consist of 60 members. One member should be nominated for each of the 34 districts in Burma (excluding the two Hill Tract Districts) ; in this way all local areas in the Province would be represented. If no suitable Councillor was availuble in any particular district the Commissioner could nominate a member from some other district of the division. If the Shan States sent two members, that would be 36 in all, and would be an adequate representation of rural Burma and the Burman population generally. It is certainly advisable that the Burman population should be adequately represented and should form a majority, for the interests of industry, commerce, capital and the professional classes do not always coincide with those of the great bulk of the Burman population, and being largely non-Burman and urban (mainly Rangoon residents) they are not in touch with the people generally. Such interests could, I think, be adequately represented in the Council by 24 members, making a total of 60.

6. *Imperial Legislative Council.*—Regarding this I can only say that Burma is adequately represented by one member, while the adjoining Province of Eastern Bengal and Assam has two [clauses (*b*) and (*c*) of paragraph 12 (2) D of the printed letter]. The growing importance of Burma warrants as full a representation, however given, as the other non-regulation Provinces named.

7. *Burma Legislative Council.*—In my opinion members should be appointed as suggested by His Honour the Lieutenant-Governor. The number might be increased by the nomination of one member from each division, but as an official majority has to be maintained this may be impracticable, and I am unable to make any further suggestion. The proposals of His Honour are as far as I can see the best practicable method of dealing with the question. This is scarcely a matter on which a mofussil district officer can give a useful opinion owing to want of knowledge of the conditions and requirements of Rangoon and its concentrated mercantile interests. I think an annual discussion of the Provincial budget would be useful but I do not consider that the right of interpellation should be introduced. Such a right is used in India simply to embarrass Government, and not to elicit information. There are ample safeguards for the redressal of abuses and the righting of wrongs, and Government in the Advisory Council will be able to get non-official advice on all general questions. The right of interpellation can only be safely allowed to a people who rule themselves. Under an autocratic system of Government or even where a majority rule a minority (as in the case of Ireland) the right of interpellation is used by the representatives of the subject race to embarrass the Government and to injure the administration, by malicious insinuations and petty inteference with every action of an executive nature. The administration would not, in its present state, be benefited by the introduction of this system.

[illegible]

[illegible] dated [illegible] 1945 [illegible]. I have the honour to [illegible] as follows.

[illegible] of India's [illegible] Advisory [illegible] Council [illegible] the [illegible] Commission and the [illegible] 14th November [illegible] in writing and [illegible] members [illegible] their views in writing [illegible] with [illegible] with the exception of [illegible] members [illegible] the views expressed in writing, the only difference being that [illegible] should be represented by one member on the [illegible] Advisory Council [illegible].

[illegible] The members of the Committee [illegible] were generally of opinion that [illegible] detailed consideration [illegible] should have been supplied [illegible] of the Government of [illegible] but only one copy is available [illegible] to be returned [illegible].

[illegible] My own views are as follows:—

[illegible] Advisory Council.—I understand that the Government of India have [illegible] the constitution and functions of the Council [illegible] should [illegible] by the [illegible] Council [illegible] The election might be [illegible] with [illegible] Advisory Council [illegible] India [illegible] Kengtung [illegible] the [illegible] non-Burman [illegible] would not be [illegible] and objects of Government [illegible].

[illegible] Advisory Council [illegible] should be [illegible] of the Council [illegible] should consist of 30 members [illegible] scheme for election [illegible] each of the [illegible] districts [illegible] the Province would be represented [illegible] was available for any [illegible] the Committee [illegible] If the [illegible] States [illegible] members [illegible] would be 36 in all [illegible] representation of rural [illegible] advisable that the [illegible] population [illegible] should form a [illegible] for the [illegible] adequately represented and the professional classes do not always coincide with those of the [illegible] and being largely non-Burman [illegible] population [illegible] with the people generally [illegible] they are not [illegible] making a total of 40 [illegible] in the Council by [illegible] that [illegible]

[illegible] Advisory Council [illegible] Province of Eastern Bengal [illegible] represented by one member, while the [illegible] 12 (2)-D of the [illegible] paragraph [illegible] full representation [illegible] the other [illegible] Province [illegible]

[illegible] Legislative Council.—[illegible] should be [illegible] with [illegible] The number might be increased by [illegible] majority [illegible] I am unable to [illegible] method of dealing with the question [illegible] opinion [illegible] interests [illegible] should be [illegible] Government [illegible] the [illegible] Council [illegible] Government [illegible]

1. With reference to the Burma Advisory Council I consider the members should be elected and not nominated.

By adopting the principle of election, the people, though not yet advanced in education and in appreciation of their interests and welfare, would gradually learn to recognise their rights and take interest and participate in the Government of their country.

A practical scheme for election can be devised on the basis of Municipal elections; but the right of franchise should be more restricted, given larger privileges to the landholder, monied, and educated classes.

2. There ought to be two Advisory Councillors from each Division and a representative from each important body or Association; and the number would be as follows:—

(i) Two Advisory Councillors from each of the eight Divisions in Burma	16
(ii) Chamber of Commerce, Rangoon	1
(iii) Port Commissioners, Rangoon	1
(iv) Bar Association, Rangoon	1
(v) Trades Association, Rangoon	1
(vi) Four Advisory Councillors, to be nominated by Government to represent technical learning on special branches of knowledge, such as medicine, engineering, etc., to secure the best learning and talent of the country	4
Total .	24

3. The number in the Burma Legislative Council should be increased from 9 to 15, consisting of eight official and seven non-official members. The non-official members are to be elected by the Advisory Councillors from among themselves.

4. Annual discussion of the Provincial Budget in the Burma Legislative Council is necessary for beneficial legislation. It is of the utmost importance for the Legislative members of the Council to be well informed of the financial position of the country and the important works or projects to be carried out for the welfare and improvement of the country and for the development of the natural resources.

5. The right of interpellation should be introduced in the Burma Legislative Council to enable the Councillors to take a keen interest in the affairs of the country and to keep the people in touch with Government so that they may know and understand the views, aims, objects and action of Government on important matters.

HTOON CHAN,—13-11-07.

In concurring with the proposals of the Government of India, I may state that the Councillors of the Provincial Advisory Council should be nominated by Government, as Government ought to have the right of choosing its own advisors rather than suffer questionable advisors forced on it.

1. Arakan Division.	5. Minbu.
2. Pegu.	6. Meiktila.
3. Mandalay.	7. Irrawaddy.
4. Tenasserim.	8. Sagaing.

(ii) The number of advisors should be 12, *i.e.*, one from each division, and one from each important body such as the Chamber of Commerce;

Trades Association;

Rangoon Municipality, and

Port Commissioners, Rangoon.

(iii) I am of opinion that such a large and important Province as Burma ought to have move members in the Legislative Council. The present number might with advantage be increased to 12 to be made up of seven official and five non-official members. The non-official members ought to be elected by the people of different communities or bodies.

(iv) There ought certainly to be an annual discussion of the Budget in the Legislative Council as has not hitherto been done. This will make the non-official members look about more in order to honourably fill the high position accorded them.

(v) The right of interpellation should always go hand in hand with the constitution of large councils, and the right of asking questions ought to be given to the members as it is done in all other Councils in India and England. The right of interpellation will satisfy the members who make them, as well as the people whom they represent.

U LU BU,

Member of Akyab Municipality.

AKYAB,

The 11th November 1907.

The only suggestions I can make with reference to the subject is in regard to the proposed Provincial Advisory Councils :—

(i) Members to be nominated. A practicable scheme for election could be devised but would be very expensive.

(ii) The number might consist of 20. Two members being nominated by the Commissioner of each division after consultation with Deputy Commissioners and Municipal Committees. One member each by—

(1) Chamber of Commerce, Rangoon.

(2) Rangoon Municipality.

(3) Port Commissioners, Rangoon.

4) Trades Association, Rangoon.

J. H. WILLSON,—8-11-07.

I concur in entirety with the opinion of my friend Mr. Htoon Chan with this addition only that a Mahomedan Advisory Councillor to represent Mahomedan interest should be elected by Mahomedan Anjumans or societies where Mahomedan population bear no mean proportion to the Burmese.

M. AHMAD,—19-11-07.

BURMA ADVISORY COUNCIL.

1. My experience of the Burma and Arakanese is that, in matters which do not immediately affect his own interest, he, individually, is too apt to adopt the first view which suggests itself, or is suggested to him. Consequently, should favour the selection of two councillors from each division, so that measures affecting their own localities, put before them for consideration, should receive at least the benefit of two opinions. By the similarity or difference between these opinions, it may be possible to arrive at a true basis.

Nomination, pure and simple, does not appear to me to be an ideal method of securing the most suitable men. Wealth, in a matter of this kind, seems to give its owner an undue claim to recognition, whereas it may be a very real reason why he is not a fit and proper person to represent public opinion. I should suggest that the most suitable persons be selected by Municipalities, or where a body of this kind is not available, by committees of headmen appointed by the local Government, and their names submitted, with the reasons for their selection, to the Commissioner of the division. Should he be unable to recommend the appointment of any two of those selected, he might be at liberty to appoint two of his own nomination, but Government should satisfy themselves that he was justified in rejecting the elective body's recommendations in their favour.

The selections should be, as far as possible, from the landholder and merchant classes, one representative of each. Unfortunately, these classes are comparatively backward in the matter of education, but reliable views are more likely to be received from them than from more highly educated men in other walks of life. As they are the backbone of the country, they should be led to realise their proper position in public affairs. All men whose business is solely, or to a great extent, usury, should be considered ineligible.

2. I consider that two councillors should represent each division of the province and one each the Rangoon Chamber of Commerce, Port Commissioners, Trades Association and Bar Association, Engineering, Medicine, and Education might also be represented, if considered necessary.

LEGISLATIVE COUNCIL.

3. The number of members might be increased to fourteen, eight officials and six non-officials. Three of the latter, two Europeans and one Native, should be appointed by the Lieutenant-Governor, two elected by the Advisory Council from its own members, and one selected by the Chamber of Commerce, Port Commissioners and Trades Association combined.

4. There should be an annual discussion of the Provincial Budget.

5. The right of interpellation should be introduced into the Legislative Council.

W. ORR ORR.

AKYAB, *17th November* 1907.

ENCLOSURE 8.

From R. C. S. KEITH, Esq., I.C.S., Secretary to the Financial Commissioner, Burma, to the Chief Secretary to the Government of Burma,—No. 135—3 M.-2, dated the 6th January 1908.

In reply to your letter No. 429—1L.-18, dated the 16th October 1907, I am directed to submit a note by the Financial Commissioner upon the proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the Imperial and Provincial Legislative Councils.

8

Note by the Hon'ble Mr. F. C. Gates, C.S.I., I.C.S., Financial Commissioner.

My opinion is invited upon all the proposals contained in Government of India, Home Department, letter No. 2310—2317, dated the 24th August 1907, and I have not thought it my duty to consult with representatives of important interest as I infer that such consultation will be done by Commissioners of Divisions.

The Imperial Advisory Council.

2. The institution of an Imperial Advisory Council on the lines indicated, appears to me to be expedient. It is not clear whether membership is proposed to be confined to Ruling Chiefs and territorial magnates. I suggest that it should not be expressly so confined. There may be great merchants or bankers or retired officials whose membership would be advantageous to Government and would not be unwelcome to the Chiefs and great landowners. There will be a difficulty in selecting Councillors in Burma unless some such concession is made.

Provincial Advisory Council.

3. The institution of a Provincial Advisory Council may be expedient in other provinces but I do not think one is wanted in Burma, more especially if the Legislative Council is enlarged. It would not be difficult to arrange for the representation of industry, commerce, capital, the professional classes and the non-official Europeans, but the representation of the smaller landholders (there are practically no great landholders) would present a hard problem. True representatives of such a class could with difficulty arrange to attend, when required, at the Provincial capital. The distances in Burma are great and communications with many districts are slow.

4. I concur with Mr. Mathews, the Officiating Settlement Commissioner, a copy of whose note I append, in believing that Advisory Councils for Divisions could be constituted with advantage. They might be utilized as much for announcing and explaining measures decided upon as for eliciting opinion upon proposals. I conceive that they would be useful in dealing with measures such as the Land Alienation and Tenancy Bills. I am not in favour of District Advisory Councils for all districts, but the representatives of each district upon the Commissioner's Council would naturally come to be consulted by the Deputy Commissioner. It would be possible, also to arrange for conferences of village headmen and other notables in each township about once a year in the course of the Deputy Commissioners' tours, and at these conferences, grievances could be represented, opinions elicited on current topics and the men of special influence and intelligence discovered. I refrain from further detail as these matters are not within the scope of the reference.

Imperial Legislative Council.

5. As 20 officials are proposed to be nominated as additional members of the Viceroy's Council, it may perhaps be assumed that Burma will usually send two, and there seem to be strong reasons why the official representation of this Province should not be minimized, lest its peculiar conditions should be overlooked in legislation affecting the whole of British India. In these circumstances it seems advisable that Burma should send two non official members also. The Chamber of Commerce is sufficiently important to deserve representation and might elect one member. Only members of British nationality should be eligible to vote. The other member might be elected by the non-official members of the Provincial Legislative Council coupled with the members of the Divisional Councils advocated in paragraph 4 above. If, as is possible, the Chamber of Commerce experiences difficulty in finding a gentleman able and willing to represent it in Calcutta, the second non-official member for Burma might be nominated from the land-holding interest. Or Commerce and Land

could be represented alternatively for periods of two years each. Though it would be difficult to form a land holding electorate in Burma, I should not despair of finding a suitable representative of the land-holders from time to time.

PROVINCIAL LEGISLATIVE COUNCIL.

6. I think that the Provincial Legislative Council may be enlarged with some prospect of advantages. I agree that the Chamber of Commerce might elect one member. But it does not seem to me that a combination of the Rangoon Municipal Committee, the Port Commissioners and the Trades Association would form a good electorate. The three bodies have nothing in common. The second merchantile member might be nominated by the Lieutenant-Governor after consultation with the bodies above named and with the Municipal Committees of Moulmein, Mandalay, Akyab and Bassein. One Burman member might be nominated by the Lieutenant-Governor after consultation with the *Thathanabaing* and his Council. I regard it as expedient that there should be some formal representation of the Buddhist Church. There might be one representative of the Chinese and Indian merchants and traders. I do not see any feasible system of election but the Chinese and Indians might be consulted and it might be understood that they should each be represented in alternate periods. Failing any recognized association, the Municipal Commissioners and Honorary Magistrates of these races might be treated as the persons to be consulted. There might be four other Burman members. I should prefer six, but for the inconvenience of making the total membership of the Legislative Council too large, two of these members might represent Lower and one Upper Burma. They might be chosen from each division in rotation by the Lieutenant-Governor with the assistance of the Divisional Councils. Thus each Lower Burma Division would be represented every alternate period, while the Upper Burma Divisions would each be represented on one period out of four. The remaining member should be nominated by the Lieutenant-Governor. I anticipate that the Buddhist Church representative would usually be a Mandalay man or at any rate an Upper Burman. If not, the Lieutenant-Governor's unprompted nomination could be used to redress the under-representation of Upper Burma. In other circumstances it might be used to bring on to the Council a representative of the Pegu or Irrawaddy Division.

7. According to the above proposals there would be eight non-official members. There should therefore be nine official members. This number can be found without much difficulty, though with some interference with touring arrangements. I suggest that as a corollary of the increase in their numbers, the precedence of Legislative Councillors should be substantially reduced. Such a measure would, I think, tend to convenience in making the appointments. I suggest that they should have the same rank as Deputy Commissioners of Districts who are within their own charges. I am aware of the expediency of making a reasonably high place for some non-officials in the scale of precedence. But other means for that end could be devised.

8. Nothing has been said above about the occupational qualifications of non-official members because the Lieutenant-Governor will see to that point when nominating.

INTERPELLATION.

9. I consider that the right of asking questions can be conceded to members of the Burma Legislative Council.

DISCUSSION OF THE BUDGET.

10. In my opinion the framing of the Provincial budget should be deferred until February. By appropriate financial arrangements the Provincial budget can be made entirely independent of the budget of the Government of India. The draft budget might then be laid before the Legislative Council in February in a Committee of the whole Council. Each section of the budget would be explained

by the official member placed in charge of it. There would then be an opportunity for the non-official members to offer concrete advice about the allocation to expenditure in various heads of the available funds, or to make suggestions for increasing revenue. After the close of the Committee proceedings, the budget would be settled by the Lieutenant-Governor and would be presented as a whole to the Council at any convenient time with a speech by the official member in charge of Provincial finance explaining to what extent it had been possible to meet the suggestions made in Committee. A general debate would then follow, if desired, on the motion that the budget be approved. The non-official members might perhaps be allowed to move "instructions" for the preparation of the next year's budget. Such a procedure would tend to focus speeches on the practical points. It would not be convenient to announce in February intended enhancements or reductions of taxation but in Provincial finance such events occur seldom and I do not anticipate any practical inconvenience on this account.

Note by H. M. S. Mathews, Esq., Officiating Settlement Commissioner.

I have no doubt that the proposals to—

(*a*) enlarge the Provincial Legislative Council,

(*b*) grant powers to discuss the annual financial statement in Council, are measures which it is politic to take.

About the formation of a Provincial Advisory Council I am not so sure. It seems to me that if the Legislative Council be sufficiently enlarged the grounds for advocating a Provincial Advisory Council are swept away.

The line to take is, I think, to secure some approach to territorial representation on the Legislative Council by the appointment of Divisional non-official members; and then to have Divisional Advisory Councils to advise and assist the local member.

At present the Legislative Council has three non-official members nominated by—(i) The Chamber of Commerce; (ii) The Rangoon Municipality; (iii) The Port Trust and Trades Association. It seems to me that the Port Trust and Trades Association should be given separate members instead of a joint member. With four members on the Council the Pegu Division is sufficiently represented, but I would give a member to each of the other seven divisions of Burma and a member to the ShanS tates.

These Divisional and Shan members would be nominated by the Divisional Commissioner in consultation with his Deputy Commissioners (Assistant Superintendents in the Shan States) and also in consultation with the local advisory committee to which I shall refer later.

Under the above arrangements there will be twelve non-official members on the Legislative Council. Many of these members will have to come a long way to attend the sittings. They should, I think, be allowed travelling allowance as first class officers and should perhaps be granted an allowance of Rs. 500 for the Sessions if all meetings are attended.

As a set off to the non-official members it will be necessary to add to the number of official members. This might be done by appointing the heads of the larger departments. The Accountant General, the Director of Public Instruction, the Chief Conservator of Forests and tho Sanitary Commissioner would be useful on the Council, especially when the Provincial Financial Statement is under discussion.

Attendance during the discussion and during the consideration of such legislation as may affect the department would scarcely interfere with the ordinary duties of a Departmental head. The same argument would apply to the case of the Settlement Commissioner, but in his case there is another point to think about, that is, whether with the Financial Commissioner on the Council the assistance of the Settlement Commissioner is necessary. I doubt the necessity myself but think that the Settlement Commissioner might be put on if required to balance the non-official members.

Neither for the Provincial Legislative Council nor for the Divisional Advisory Councils, which I have suggested, would elective representation be possible. No useful body of electors could be formed. The area from which each Legislative Member or Advisory Councillor would be taken must be far too large for local persons to have any knowledge of the candidates. A property qualification either for an elector or a councillor also seems impossible. Records have been made and could be obtained in settled districts of large landholders. For instance, in many Settlement Reports lists are given of persons holding estates of over 1oo acres.

This could not, I think, be accepted as a property qualification, for the qualified persons would be concentrated in certain tracts where local conditions have led to the formation of large estates.

Thus Hanthawaddy probably contains hundreds of estates over 100 acres, while Prome has very few.

It seems to me that the Divisional Advisory Council should be entirely nominated so far as non-officials are concerned. It should, I think, consist of the Commissioner, the Divisional Legislative Councillor, Deputy Commissioners of Districts, and one or two nominated non-officials from each district. I think that an advisory council of this kind could exercise useful functions. At the present time Commissioners and Deputy Commissioners are much harassed by incessant calls for opinions on proposed changes in enactments and executive instructions. I think that all these matters might well be referred to the Divisional Advisory Committee.

These might be summoned periodically by the Commissioner. A convenient time for the Advisory Councils to assemble would be in June and November when the periodical examinations are on. Two or three days discussion then would probably settle all the questions referred for opinions.

The Secretary of the Advisory Council should be the Assistant Superintendent (a new appointment) of the Commissioner's office. He will have a good deal to do in distributing papers for the previous perusal of the Members of Council. He will also have to write up the proceedings of the Advisory Council. He can be given other duties and will be useful as the Superintendent's understudy.

The Members of the Divsional Advisory Committees should be given a suitable Burmese designation.

The non-official members should receive travelling allowance when going to and from meetings and should also receive halting allowance whilei n attendance at first class rates. This would probbaly form sufficient remuneration.

The Shan States Advisory Council would be formed like the Divisional Councils.

ENCLOSURE 9.

From N. G. CHOLMELEY, Esq., B.A., I.C.S., Commissioner, Magwe Division, to the Chief Secretary to the Government of Burma,—No. 158—17L.-1907, dated the 11th January 1908.

With reference to your General Department No. 429—1L.-18, dated Rangoon, the 16th October 1907, I have the honour to say.

2. As to the desirability of having an Advisory Council at all, the Government of India apparently contemplates the possibility of the existence of local conditions which would, in some provinces, not admit of the formation of Advisory Councils (see the first sentence of paragraph 6 of the Government of India's letter). It seems at least doubtful whether the conditions of the Province of Burma are favourable to the formation of such a Council. No doubt such a Council could be readily formed if Burman official members were admitted, but as this is not possible it is difficult to see where Burmese members are to come from.

The Government of India wishes that the Provincial Advisory Council shall consist of representatives of the smaller landholders, industry, commerce, capital and the professional classes. Non-official Europeans of the proper status would be easy to find; the other classes, with the exception of the landholders, could be found among domiciled natives of India or Chinese, no doubt, and it is perhaps reasonable that these foreigners should find representation in the Council even though they might be expected to have the interests of their own class rather than that of the province at heart. The question is where are non-official Burmans of the proper status to be found. It is, I think, essential that members of the Council should have a good acquaintance with English, otherwise their presence at deliberation would be idle. What non-official Burmans well acquainted with English are there? So far as I know (I must admit to a limited acquaintance with the Lower Province), there are none but barristers. If this is so, of the five classes mentioned above, the only one that could supply Burman representatives would be the "professional class" and only one profession, that of the law would be represented. The Government of India, however (paragraph 9), deprecates the prominence given in India to the legal profession even in the legislative councils, where their presence is much more suitable than on the advisory body. The only way to obtain educated Burmans for the Council would seem to be to admit pensioned Burmese officials, but this, I suppose, would not be permissible. Speaking for Upper Burma, of which part of the province alone I have at all an intimate acquaintance, the land-holding interest would, I think, find a difficulty in producing half a dozen members paying a land revenue of over Rs. 1,500 a year (the largest of the Salin *thugaungs* pays about Rs. 2,347), and they are without English education. There are wealthy men among the Yenangyaung *Twinsas*, but they are also uneducated and in other ways undesirable. I suppose there must be wealthy and influential Burmans among the trading community in Mandalay. I doubt if there are any in this Division, but the want of English would again operate as a bar. It may be thought that I have attached too much importance to the knowledge of English, but the Government of India, see paragraph 6, last sentence, "attach the highest importance to collective deliberation," and I do not see how a Government could derive much profit from a deliberation in which the Burmese members would be unable to understand anything that was said by those of other nationalities and *vice versâ*, and I do not think it would be practicable for each sentence of each member's speech to be translated as he went along, by an interpreter. I imagine that the language of the enlarged Indian Legislative Councils has always been English.

3. To pass on, however, assuming that an Advisory Council is decided upon, His Honour the Lieutenant-Governor proposes that the Provincial Advisory Council should consist of 20 members and should be nominated. I notice that it is proposed that the Advisory Council of the United Provinces should number 25 members, but, considering the great difficulty that will arise in finding suitable Burmans for the Council and the smallness of the population, I should think a less number than 20, say, 14, would be quite sufficient. I think it would be both impracticable and inadvisable to attempt to have the members elected: nomination seems to be the only feasible scheme.

His Honour apparently does not require an opinion as to the constitution of the Advisory Council, and I feel very diffident of being able to make any useful suggestion.

4. To turn to the question of the Legislative Council, His Honour asks advice as to what increase, if any, in the membership of the Burma Legislative Council is desirable. The letter goes on to say that His Honour is prepared to adopt the suggestion of the Government of India and accept a substantial increase in the numbers of the non-official members of his council. This will imply an increase in the official members, as the Government of India point out that a standing majority is essential. It may, therefore, be taken, I suppose, that His Honour has decided to enlarge the Council. I doubt whether the right of interpellation and discussion of the Budget would be of any value in this province, where public opinion on general questions scarcely exists, and the great bulk of the commerce, industry and capital is in the hands of non-Burmans, who are naturally much more concerned with the furtherance of their own interest than of those of the province at large. With so little promising material to be gathered from the natives of the province, it would be no use to enlarge the council to any considerable dimensions, and although a province such as the United Provinces, may require a council of 36 members with 17 non-officials, it would, probably, not be easy to find half that number of suitable representatives in Burma and allow a proper proportion of natives of the country.

5. His Honour, apparently, contemplates a council not much larger than that at present existing and comprising four elected non-official members with certain others nominated by himself. I should think a council of 14 would be enough, comprising 8 official and 6 non-official members. Two of the elected members might be Burmans, as suggested by His Honour, and the elective bodies might very well be those proposed : there might be however, a practical difficulty in deciding which body was to elect a Burman. I doubt if the Rangoon corporate bodies mentioned, which consist, I suppose, mainly of Europeans and natives of India, would be willing to elect Burmans. But the Advisory Council if constituted, might do this as suggested.

6. The whole questions of advisory Councils seems, as far as Burma is concerned, to have little more than an academic interest. As far as I am aware the wealth of the country, commercial and industrial, lies almost entirely in the hands of foreigners, who, as a rule, know little and care less for the general welfare of the province except in so far as it touches their pockets. Within the somewhat limited scope of their interests, no doubt, their advice would be valuable to Government. After all, however, the great fundamental basis of the common weal is the agricultural population ; these are almost entirely Burmans, and these are the people with whom we want to get in touch, and whose interests we wish chiefly to study. Unfortunately, to obtain a representative from this class seems well nigh impossible. There are some men among the old officials of the Burmese regimè who could, no doubt, give valuable advice founded on an intimate knowledge of the people, but they are not acquainted with English, and I doubt whether to make them members of an Advisory Council would be the best way to utilise their knowledge.

7. I must conclude, I fear, in the same mind as I began, that the province is not ripe for Advisory Councils, and that until the standard of education and of thought among the Burmans has advanced considerably, any attempt to utilise such bodies is doomed to failure.

ENCLOSURE 10.

From G. C. BUCHANAN, Esq., M.INST.C.E., Chairman and Chief Engineer, Port Commissioners, Rangoon, to the Chief Secretary to the Government of Burma,—No. 3118-300, dated the 13th January 1908.

I am directed to acknowledge receipt of your General Department letter No. 429—1L.-18, dated the 16th October 1907, forwarding a copy of a letter No. 2315, dated the 24th August 1907, from the Government of India in the Home Department dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils.

2. In reply I am to say that the matter was discussed at a meeting of the Port Commissioners on the 4th December, when the following Resolution was passed:—

(1) The Commissioners consider that an Advisory Council in Burma is desirable, and agree that 20 is a suitable number to appoint.

(2) They further agree that the Burma Legislative Council should be enlarged, and cordially approve of the proposal that there should be an annual discussion on the Provincial Budget and also the right of interpellation.

(3) With regard to the manner in which increase in the number of members of the Local Legislative Council can best be effected, the Commissioners consider the proposals of the Local Government suitable, except as regards the election of one member by the Municipal Committee, Port Commissioners and Trades Association in combination. They are of opinion that it would be impossible for three bodies so differently constituted and of such diverse interest to ever agree upon a member who would represent all three. Moreover, they are of opinion that the Corporations aforesaid are of sufficient importance to warrant their being given more than one member to represent them; they therefore recommend for the consideration of the Local Government that each body should elect a member from amongst themselves, and that the Lieutenant-Governor should select two out of the three so elected.

(4) The Commissioners approve generally of the proposals as a whole.

3. An excerpt from the Proceedings of the Ordinary Meeting of the Commissioners along with a copy of the notes by the Chairman and Members is herewith enclosed.

COMMISSIONERS FOR THE PORT OF RANGOON.

Excerpt from Proceedings of an Ordinary Meeting of the Commissioners for the Port of Rangoon held on the 4th December 1907.

Creation of Imperial and Provincial Advisory Councils and the enlargement of the existing Imperial and Provincial Legislative Councils.

VI. READ.—Letter from the Chief Secretary to Government, No. 429—1L.-18, dated the 16th October 1907, forwarding copy of a letter from the Government of India dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils, and asking for the views of the Port Commissioners with regard to them, and communicating remarks on certain points which immediately concern this Province.

A note by the Chairman dealing with the points noticed by the Local Gov erment having been circulated, is taken as read.

Read also the remarks by certain of the Commissioners.

RESOLUTION—

(1) The Commissioners consider that an Advisory Council in Burma is desirable, and agree that 20 is a suitable number to appoint.

(2) They further agree that the Burma Legislative Council should be enlarged, and cordially approve of the proposal that there should be an annual discussion on the Provincial Budget and also the right of interpellation.

(3) With regard to the manner in which increase in the number of members of the Local Legislative Council can best be effected, the Commissioners consider the proposals of the Local Government suitable, except as regards the election of one member by the Municipal Committee, Port Commissioners and Trades Association in combination. They are of opinion that it would be impossible for three bodies so differently constituted and of such diverse interests to ever agree upon a member who would represent all three. Moreover, they are of opinion that the Corporations aforesaid are of sufficient importance to warrant their being given more than one member to represent them; they therefore recommend, for the consideration of the Local Government, that each body should elect a member from amongst themselves, and that the Lieutenant-Governor should select two out of the three so elected.

(4) The Commissioners approve generally of the proposals as a whole.

Note by the Chairman to the Commissioners, dated the 27th November 1907, and comments by the Commissioners.

I circulate for perusal, prior to consideration at the next ordinary meeting, a letter from the Chief Secretary to Government forwarding a copy of a letter from the Government of India dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils.

The principal points for discussion are—

(1) Is an Advisory Council in Burma desirable? Is 20 a suitable number, and what is the best and most practicable method of appointment?

(2) Should the Burma Legislative Council be enlarged, and should an annual discussion on the Provincial Budget and right of interpellation be permitted?

(3) In what manner can the increase in members of the Council, if agreed to, be best effected? His Honour the Lieutenant-Governor suggests that the Chamber of Commerce might elect one member, and the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association in combination elect another.

(4) You are also asked to give a full expression of opinion on the proposals as a whole and on all aspects of the subject.

It will facilitate matters if the members will kindly record any view they may have in writing so as to form a basis of discussion.

Personally I am in favour of all the proposals of Government except the election of one member to the Council by the Municipal Committee, Port Commissioners and Trades Association in combination, because I do not think any combination by these three bodies possible.

GEO. C. BUCHANAN,

Chairman.

I approve generally of the proposals of Government.

The election of one member by the Municipality, Port Trust and Trades Association certainly presents difficulties, as their interests are not identical, and unanimity can hardly be expected. I would suggest that in the event of each body electing a different member, the decision should rest with the Local Government, or else that each body should receive an equal number of votes.

W. R. Stikeman,—28-11-07.

I think the proposals of Government may be accepted and that the Provincial Budget should be discussed and right of interpellation be allowed.

C. Hooper,—28-11-07.

I consider the proposals of Government are wise and the right of discussion of the Provincial Budget a desirable concession. I agree with the Chairman's concluding paragraph, but think the difficulty might be got over, or at any rate modified, if Government would allow the three bodies in combination to elect two members (leaving one less for the Lieutenant-Governor to appoint) instead of one, as this might lessen the likelihood of any one of the three bodies always obtaining the dominant representation. The three bodies in combination might by their importance be considered entitled to elect two representatives. I do not lose sight of the Burma Chamber of Commerce only being allotted one, but this body always has representatives on the Port Trust and Municipality and, in addition to its own direct election of one member, would indirectly share in nominating the two members, I suggest that the combined Port Trust, Municipality and Trades Association should elect.

R. J. Wilkinson,—28-11-07.

If the object is simply to get a large number of people to suggest or nominate members of the Provincial Council, the plan as stated may answer. But if the members of the Council are to represent important interests, then the Chamber, the Trades, the Municipality, the Port Trust, ought each to elect a representative, and the members for the Municipality and Port ought not to belong either to the Chamber or the Trades.

F. D. Phinney,—28-11-07.

Seen.	Seen.	Seen.
M. Laurie,—28-11-07.	A. S. Judge,—28-11-07.	A. R. Finlay,—3-12-07.
	W. N. Baines,—29-11-07.	J. R. Halliday,—29-11-07.

I think the suggestions of His Honour reasonable on the whole and acceptable except as regards the number of members for the proposed Advisory Council. Twenty seems to be too small a number if it is to include officials and allow of members going on leave.

I do not think the non-official community will gain by any large extension of the Legislative Council, and consider such extension undesirable. I therefore support His Honour's suggestions in this connection unless it be found more convenient for the Government to nominate as at present after consulting these bodies which cannot expect to elect a member each.

I think non-official members of the Legislative Council should be given the privileges of discussing the Provincial Budget and of interpellation. Perhaps His Honour might be induced to take steps to procure them these privileges irrespective of the question of increasing the number of members.

G. Scoones,—29-11-07.

I agree with Mr. Scoones' views, and with Mr. Stikeman's suggestion, in connection with the election of a Member of Council to the effect that each of the three bodies should nominate a representative and it be left to His Honour to decide which should be elected.

J. S. Findlay,—29-11-07.

ENCLOSURE 11.

From W. J. H. REDMOND, Esq., Secretary, Rangoon Trades Association, to the Chief Secretary to the Government of Burma,—No. 19 T.-08, dated the 14th January 1908.

I am desired to acknowledge receipt of your General Department No. 429—1L.-18, under date the 16th October 1907, together with enclosures, on the proposal regarding the creation of Imperial and Provincial Advisory Councils and the enlargement of the existing Imperial and Provincial Legislative Councils.

In reply I am directed to enclose a note by myself on the proposals which my Committee have carefully considered and which meets their views.

With reference to the enlargement of existing Provincial Legislative Councils I am to urge for the consideration of His Honour the desirability of granting to the Chamber, the Port Trust, the Municipality, and this Association, the privilege of each electing a representative to the Legislative Council of His Honour.

Note by Secretary on proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Legislative Councils.

President.—The Local Government has forwarded to us a letter from the Home Department of the Government of India dealing with certain proposals for the—

I.—Creation of Advisory Councils—

(*a*) Imperial.
(*b*) Provincial.

II.—Enlargement of the existing—

(*a*) Imperial.
(*b*) Provincial.

Legislative Councils

I may here say at once that in formulating these proposals the Government of India quote the words of the Secretary of State for India who, in speaking of the Indian Councils Act, 1892, observed that the spread of education and enlightened public spirit and the recent organisation of local self-Government might render it possible to give representation to the views of different races, classes and localities through the medium of corporations vested with definite powers upon a recognised administrative basis or of Associations formed upon a substantial community of legitimate interests, professional, commercial and territorial.

Creation of Imperial and Provincial Advisory Councils.—The creation of these Councils, which will receive no legislative recognition and be vested with no formal powers of any sort, is purely for consultative purposes. The members shall be consulted individually or collectively, and when consulted as a body, the proceedings shall be informal.

Provincial Advisory Councils.—His Honour the Lieutenant-Governor proposes that twenty shall be the number on this Council. This number should be considerably enlarged and the members should be elected, as unless they are elected there would be no need of calling them a Council. His Honour the Lieutenant-Governor has now the power of consulting any person on any matters necessary. All bodies capable of electing should elect, while members from bodies unable to elect might be nominated.

ENLARGEMENT OF IMPERIAL AND PROVINCIAL LEGISLATIVE COUNCILS.

(*a*) *Imperial Legislative Councils.*—The numbers and constitution of this Council as set out in Sir Harold Stuart's letter would be difficult to be improved upon.

(*b*) *Provincial Legislative Councils.*—In giving the constitution of the Imperial Legislative Council as a convenient model for the guidance of Local Government in framing their own proposals, the Government of India admit that the constitution of the Imperial Council can only to a limited extent (and hardly to afford sufficient guidance to Local Government) serve this purpose, as, to quote their own words—"From the nature of the case *that* scheme makes no provision for the representation of the Municipalities and District Boards, the Universities, the Presidency Corporations, *the Trades Associations*, the European Planting and Industrial interests and Indian Commerce." It will be seen from the above that the Government of India intend that the widest possible representation of separate interests should be available on the Legislative Councils.

His Honour the Lieutenant-Governor suggests the following with reference to representation by the different public bodies and associations in Burma :—

The Chamber of Commerce to elect—1.

The Municipality, the Port Commissioners, and the Rangoon Trades Association in combination to elect—1.

The objection to this are *inter alia* the following :—

I. Owing to the difference in numbers of the Municipality, the Port and the Trades, it will be difficult to formulate a satisfactory basis upon which these three bodies would vote.

II. Should this difficulty be met, the member elected, if a Port Commissioner, could not fully represent the interests of the Municipality or Trades and *vice versâ*.

III. Recent events have proved that the interests of different public bodies in Rangoon may be antagonistic.

IV. The election by three different public bodies with largely divergent and at times antagonistic interests does not accord with the views of the Government of India, who desire the widest representation of all important interests and altogether nullifies the *raison d'etre* of the proposed enlargement.

V. Should, by any means, a Port Commisssioner be elected by the three bodies it might be taken for granted that he would also be a member of the Chamber, and would probably vote in the interests of the Chamber, should these be opposed to either of the Municipality or Trades.

VI. Interests of the Trades in Burma are sufficiently important to deserve separate representation.

The Representatives of the Association on the Port Trust and Municipality have not failed in any way, and their advice on matters affecting the welfare of the Province in general, and Rangoon in particular, has always deserved and received consideration. Our sister Association (Calcutta) is granted representation and we should also urge that we be granted the same privilege. The Trades Association in Rangoon bears as important a relation to the trade of the Province as the Calcutta Association bears to the trade of Bengal.

We have consistently, ever since our formation in 1898, approached the Local Government for representation on the Legislative Council of the Lieutenant-Governor of Burma, and the present proposals for enlarging His Honour's Legislative Council affords, we might urge, His Honour Sir Herbert White, the opportunity of recognising this Association. If the Committee approve, I would suggest the following :—

The Chamber elect one Representative.

The Port Trust elect one Representative.

The Municipality, one Representative, and

The Trades also, one Representative.

This will undoubtedly give the Chamber the preponderating representation which they desire. I would also suggest that the Financial Statement of the Province be laid before the Legislative Council and that the right of interpellation be allowed to members.

To sum up. If the object of the enlargement of the Provincial Legislative Council be simply to get a large number of people to make a few nominations, then the scheme proposed is good enough; but if the members of the Council are to represent any important interest, then the Chamber, the Port Trust, the Municipality, and this Association ought each to have the right to elect a member.

ENCLOSURE 12.

From M. LAURIE, Esq., M.V.O., I.C.S., Preident, Rangoon Municipality, to the Chief Secretary to the Government of Burma,—No. 1804—2M.-79, dated the 24th January 1908.

In continuation of this office letter No. 1606—2M.-79, dated the 12th December 1907, I have the honour to report that your letter No. 429—1L.-18, dated the 16th October 1907, regarding proposals for the creation of Imperial and Provincial Advisory Councils and the enlargement of existing Imperial and Provincial Legislative Councils was considered by the Municipal Committee at a special meeting held on the 7th instant, when the following resolution was passed:—

"The Committee approves generally of the proposal to create Advisory Councils and extend Legislative Councils and directs that Mr. Cowasjee's note on the subject, which is read at the meeting, be submitted to Government with notes made by other members."

I have accordingly the honour to submit herewith a copy of Mr. Cowasjee's note, together with copies of notes made by other members, for the information of His Honour the Lieutenant-Governor.

Note by Mr. M. Cowasjee, K.-i.-H.

With reference to the letter from the Government of Burma, forwarding, for opinion, a copy of a letter from the Government of India on the proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils, I gather that the opinion of the Municipal Committee is sought on the following points which immediately concern the Province:—

First.—The question of election or appointment, as well as the number of Advisory Councillors to be appointed, if a Provincial Advisory Council is constituted for Burma.

Second.—The proposals for the enlargement of Imperial and Provincial Legislative Councils.

With regard to the first point I am in favour of the constitution of a Provincial Advisory Council; it will no doubt inspire greater confidence in the minds of the general public and bring about the ruler and the ruled into closer communication. I am in accord with the views expressed in the Local Government's letter that the number should be restricted to twenty; which, in my opinion, should be composed as follows:—

(*a*) To be nominated by Government	16
(*b*) To be elected by the Chambers of Commerce . . .	1
(*c*) To be elected by the Port Commissioners	1
(*d*) To be elected by the Rangoon Municipality . . .	1
(*e*) To be elected by the Trades Association	1
Total .	20

It will be observed that out of the twenty Councillors one-fifth of the number is to be elected by the four large bodies in Rangoon and four-fifths to be nominated by the Local Government. The sixteen Councillors to be nominated by Government should be composed of leaders and elders of different nationalities residing permanently in Burma, possessing knowledge and experience, capable of representing the various interests, such as Industry, Capital, Trade, Commerce and also landed proprietors and the Professional classes.

Incidentally I may mention that the presence on the Advisory Council of the Commissioners of the Divisions would prove very useful in the interest of their different divisions. As to the question of election or nomination of members on the Board of Advisory Council, I am decidedly of opinion that an elective system cannot for the present be usefully introduced in the selection of members; I am therefore in favour of the Councillors being nominated by Government and elected by the four bodies as above suggested. I would, however, suggest that in selecting Councillors preference should be given to those who by their long residence in the Province have vast and matured experience of the country and people and who have proved themselves capable of taking an intelligent interest in the public affairs of the Province. With regard to the second point, *viz.*, the proposal for the enlargement of the Imperial and Provincial Legislative Councils, I would suggest that the number of members on the Provincial Legislative Council be increased from nine to twelve and that the Provincial Council be constituted as follows:—

To be nominated by the Local Government . .	6 officials 4 non-officials.	10
To be nominated by the Advisory Council from among its members		2
Total .		12

The Local Government will then have the nomination of five-sixths of the members, and the proposed advisory Council one-sixth. This will obviate the necessity of the nomination as at present of one member by the Chamber of Commerce and the other member by the three public bodies of Rangoon, *viz.*, the Port Commissioners, the Rangoon Municipality and the Trades Association, as each of these four bodies will be represented on the Advisory Council and the two members who, it is suggested, should be nominated by the Advisory Council for the Provincial Legislative Council and who, is also suggested, should be non-officials, would be representatives of the four public bodies as well as of the general public.

I am also in accord with the views expressed by the Local Government that the non-official members of the Burma Legislative Council should be nominated as at present; and that not less than two should be natives of Burma. I have already suggested that the Local Government should nominate six officials and four non-officials, on the Provincial Legislative Council; of these four non-officials, I would suggest that two should be natives of Burma, one European, and taking into consideration the increasing importance and wealth of the Indian population, I think one should be a native of India. I am also of opinion that an annual discussion of the Provincial Budget and the right of interpellation in vogue in most provinces in India should be introduced in the Provincial Legislative Council and I am confident that it will prove to be a source of help and strength to the Local Government. The right of interpellation, if allowed, will have the effect of clearing possible misconception in the minds of the public as to the policy and intention of the Government, and will also be the means of bringing to the notice of the Government, the feeling and grievances of the public.

In regard to the suggestion of the Government of India that the Provincial Legislative Council should elect one non-official member to the Imperial Legislative Council, I desire to point out, that in paragraph 12 (2) D of the Government of India's letter, it is proposed that the Chamber of Commerce of Calcutta and Bombay are to be allowed the privilege of nominating two members in addition to the nomination of two members each by the Provincial Councils and the non-official public of Bombay and Bengal; I would suggest that this Province be also similarly treated, *viz.* :—

First.—That the Burma Chamber of Commerce should be allowed to elect a representative.

Second.—That as Burma does not possess nobles and great landlords as in India, the Local Government should be granted the power to nominate a person of social standing, of long residence in and who possesses vast and matured experience of the Province.

Third.—That the Provincial Legislative Council should be allowed to elect a non-official member from among its members.

Notes made by Members.

MR. FORBES said :—" The subject divides itself practically into two heads, the creation of Advisory Council and the extension of Legislative Councils. We are all agreed to extend the Legislative Council. As to the formation of Advisory Councils, a body of men to be elected or nominated would be asked to discuss certain subjects and their advice would be sent to Government. They would have no executive or representative powers of any kind. They would simply discuss matters and their opinions would be forwarded to the Legislative Council which would not necessarlily accept its view. That being so, I do not see any use in establishing an Advisory Council. They might discuss matters till doomsday, but their opinions might never be accepted. I think it would have a tendency to alienate the people from the rulers, as if their opinions were not accepted it would certainly do harm. Supposing we have an Advisory Council in Rangoon to discuss certain subjects. It would be very easy if the replies were to be 'yes' or 'no' and submit them to Government; but if it is a matter requiring a great deal of argument, I see no means of doing that unless a member of the Advisory Council is also a member of the Legislative Council. I think the suggestion as it appears before us that Advisory Councils are not necessary, I do not know who would agree to go on a Council that had no power of any kind."

I conceive that an enlarged Legislative Council would contain within itself, in this Province at any rate, the most important elements of an Advisory Council, and to that extent the Advisory Council would be superfluous. I think that Rangoon opinion is already fairly well organized in the form of a Chamber of Commerce, a Trades Association, a Municipal Committee and a Port Trust; and doubt whether any advantage is to be derived, for Rangoon at any rate, from the establishment of Advisory Councils.

DR. PEDLEY :—" I think we should heartily welcome the proposal of Government to institute these Councils. Supposing there was no executive power, there were many questions which it might be advisable to bring to the notice of Government which would not come under the cognizance of officials. Very often there are matters which should go before our rulers which are not easily conveyed through official channels. These proposals have emanated from home and from men who have the most benevolent and the best interests of the population at heart and they wish to see the population taking a part in self-government, and I think, whether such Council has executive powers or not, we should gladly accept them. I do not think we can do it in a better way than Mr. Cowasjee has expressed it. I think no amount of discussion, as the President says, will put it in a clearer way than Mr. Cowasjee has given, and I think Mr. Cowasjee's proposals might go as the proposals of this Committee. I cannot agree with my friend Mr. Forbes. I think Advisory Councils will be the means of doing a great deal of good, and our fellow subjects will feel they, at any rate, have opportunities of expressing their opinions which now are not held by Government, or are matters difficult to convey to Government. I think by and by it will be looked upon as a high honour for a man to be appointed to a seat on the Advisory Council."

Mr. Buchanan was in favour of the Municipal Committee, Trades Association and Port Trust each electing one member and the Local Government to elect two out of three of such nominations.

ENCLOSURE 13.

From D. H. R. TWOMEY, Esq., I.C.S., Commissioner, Mandalay Division, to the Chief Secretary to the Government of Burma,—No. 581–2L.1-, dated the 23rd January 1908.

I have the honour to acknowledge the receipt of your letter No. 429—1L.-18, dated the 16th October 1907, concerning Advisory and Legislative Councils. I submit in original the opinions of the Deputy Commissioners, Bhamo, Mogok and Myitkyina. The Deputy Commissioner, Mandalay, has not yet sent me his opinion and that of the Mandalay Municipal Committee. They will be forwarded on receipt. But as I am about to make over charge of the Division to my successor I venture to offer the following remarks on this important subject.

2. In constituting a Provincial Advisory Council, the first difficulty that arises is the absence in Burma of any territorial proprietors of sufficient dignity to be appointed Imperial Councillors and thus to form the nucleus of a Provincial Council. The system of land tenures throughout the country is that of small holdings. The structure of society is entirely democratic, and was never touched by feudalism in any shape. There are practically no class distinctions as in Europe and India; there are no great families and no great fortunes or estates. The only rank has always been that of the officials actually in power, and nothing better illustrates the tendency of Burmese society to remain at a dead level than the rapidity with which off-shoots of the reigning house became merged in the commonalty in two or three generations. The Burma Advisory Council should presumably consist of representatives of the small landholders, industry, commerce, capital and the professional classes. If the Chamber of Commerce, the Rangoon Port Commissioners, the Trade Association, and the Municipal Committees of Mandalay and Rangoon were each to elect one member, I think industry, commerce and capital would have full recognition. The only professional class of any importance is the legal profession, and they might be permitted to elect one member. There remains the most important interest of all, that of the cultivators. The last census returns show that about 67 per cent. of the population follow pastoral or agricultural pursuits, and if a Council is formed as proposed it is essential that some adequate means should be provided for the representation of this great rural population. The problem will best be solved in my opinion by treating the village headmen as the primary electors, and permitting the elected headmen to choose the Councillors. Nearly all the headmen are themselves cultivators. Most of them have hereditary influence and speaking generally the village headmanships embody the only hereditary authority in the country. Those who are not hereditary have been chosen by the people as their spokesmen and leaders, for though it is not expressly laid down that vacancies should be filled by election, in practice an informal election is always held and the Deputy Commissioner in making an appointment is influenced greatly by the comparative popularity of the various candidates. The village headmen as a body may, therefore, be regarded as truly representative of the rural population and well qualified to express their feelings and wishes. It might be arranged that the headmen of each township, taking the township as a convenient unit, should assemble and nominate an elector from among themselves, and that the electors so nominated should then choose the Provincial Councillors for the Division. I would not bind the electors to choose village headmen as their representatives. Their choice had better be left unfettered except that the persons chosen should be natives of the Province and men of good repute. To begin with at any rate it would be desirable that nominations should be submitted to the Commissioner and be supported by the signatures of say, three electors, and that the election should take place only from among the candidates whose nominations are accepted by the Commissioner. The electors of each Division might elect two Councillors, so that the total number of Councillors elected in this manner would be sixteen, and the aggregate strength of the Provincial Council would be twenty-two.

3. I see no objection to the scheme sketched in paragraph 3 of your letter for enlarging the local Legislative Council except that the increase from four to seven in the number of non-officials will involve a corresponding increase

to at least eight in the number of official members and it may be found difficult in practice for so many officials to arrange their tours and other duties so as to spare time for legislative business.

4. I am in favour of the proposals that the Provincial Budget should be discussed, and the right of interpellation should be granted. The people of this Province would have good cause for complaint if these concessions, having been bestowed elsewhere, were withheld in Burma.

5. Messrs. George and Dawson, who are officers of ability and experience, consider that the proposals in the Home Secretary's letter are premature so far as Burma is concerned. This will probably be the general official opinion and there is a good deal to be said for it. The educated class in Burma is still very small and consists mostly of Government officials, lawyers and school masters. Higher education has not made great strides. For example, no Burman has yet passed the Indian Civil Service examination, and no literary or scientific work of any merit has been produced by a native of the Province. It is true also that no demand for representation has arisen and that, to all appearances, the mass of the people are content with the present method of Government and likely to remain content with it for a long time to come. It may be noted on the other hand, however, that though higher education is not yet so diffused as in other provinces, Burma compares very favourably with the rest of India in primary education, the proportion of totally illiterate people is small and the general range of intelligence perhaps higher than in Indian provinces. In other respects also I think that Burma offers a more promising field for political development than India. Burmese society is not complicated by such institutions as caste and the seclusion of women, and the religion of the people is of a simpler and purer type than that of the Hindus. It should also be remembered that the Home Secretary's letter was written at a time of seditious agitation and clamour in several Indian provinces and these manifestations of the literati of Bengal and the Punjab are probably regarded by many Indians as the real cause of the proposed concessions, the assurances of the Government of India to the contrary notwithstanding. It would, in my opinion, be invidious and politically unwise to exclude from the scope of these constitutional changes a Province which distinguished itself by holding aloof from the agitation.

6. As to the wisdom of the step which the Government of India are taking, I think there can be no doubt. It is idle to assume that the present type of Government in India and Burma can continue indefinitely. While the people were still steeped in ignorance they regarded the despotism of their native rulers as part of the order of nature. With the spread of enlightenment it seems very unlikely that they will rest satisfied for long with the despotism of an alien bureaucracy, however benevolent in its intentions and just in its methods. I think, therefore, that it is the interest as well as the duty of the British Government to train the people gradually in the art of administration, and the Advisory Councils are the first stage in the course of instruction. At first they will probably be slightly grotesque and not very efficient consultative bodies. But they will serve a useful purpose if only they implant the idea of representation in the minds of the people, and are accepted as an earnest of the wish to associate the people in the Government of the country.

From G. W. DAWSON, Esq., I.C.S., Deputy Commissioner, Bhamo, to the Commissioner, Mandalay Division,—No. 2530 -1L.-1, dated the 20th December 1907.

I have the honour to reply to your endorsement General Department No. 618—2L.-4, dated the 20th November 1907, with which were forwarded the proposals of Government regarding the enlargement of the Provincial Legislative Council and kindred subjects. It is to be remembered in connection with these proposals that they are not in any way, so far as I am aware, the result of agitation in Burma. Nor do I believe that the small number of Burmans whose education and intellectual development give a value to their opinions have any idea that the views of the Burman Community are inadequately represented under the existing régime. The proposed reforms are devised to satisfy the political aspirations of the people, to give the Government an opportunity of consulting public opinion and to supply a means of correcting misapprehensions regarding the policy of Government. It is not, I think, altogether the backwardness of education in Burma which retards the development of political ambition in this Province. In Upper Burma, at any rate, the influence of the late Monarchy strongly affects the habits of thought of the people at large. In place of that Monarchy they have received a bureaucracy, unattractive, it is true, and shorn of all the pomp and glory which attended the King and his Court, but less difficult of access and infinitely more even-handed than what they have lost. They have got a benevolent despotism in place of a greedy and capricious one. If they think at all about the matter they think they are better off, but they have no more wish to be mixed up in the business of Government, unless the work involves executive power and a salary, than they had in Thibaw's time. In Lower Burma, no doubt, the recollection of Burmese rule is dead. But I doubt whether the disinterested ambition to take part in public life is any keener than it is in Upper Burma. Have Municipal elections evidenced any such ambition? There is, in fact, no "great body of moderate men who under existing conditions have no sufficient inducement to enter political life, and are anxious to be afforded an opportunity of expressing their views on matters of practical administration." Indeed, I believe an Advisory Council of twenty would absorb practically all the non-official Burmans of sufficient standing and attainments to be eligible for appointment and at the same time desirous of appointment for any reason other than the dignity attaching to the office. I consider that it would be a mistake to introduce a political reform before the people are ripe for it and this part of the scheme, at any rate, I would postpone, so far as Burma is concerned until such time as the development of education and the progress towards western ideals demand it. The advantages which the Government of India expects to accrue from the appointment of these Councils are no doubt of great importance. But I question whether the Government of Burma is often embarrassed by the difficulty of ascertaining the opinion of the bulk of the people regarding any proposed measure of legislation. I have no experience of India, but the nature of the Burman makes him very ready of access to any officer who takes the trouble to know him and there is no difficulty in eliciting his views on any subject that interests him. This is done at present when any important measure, legislative or administrative, is initiated. Similarly, except on the subject of plague, I am not aware that any difficulty has been experienced of late years in correcting misapprehensions as to the motives of Government. The business of Government, no doubt, tends to become more complex, but this is the result of the increase in the material prosperity of the country and the gradual assimilation of conditions in Upper and Lower Burma. I see no reason to apprehend that the measures of Government are more likely to excite feelings of doubt or suspicion in the future than they have in the past, or that any agency will be required to allay such feelings, if they arise, other than that which already exists. In a word, I think that the proposal to appoint an Advisory Council in this Province is premature, and should be abandoned.

2. The question of increasing the number of non-official members of the Legislative Council stands on a different footing. The Council is an institution of ten years' standing, its functions are definite and practical, and an appointment to membership is recognized as the highest honour to which a non-official of this Province can attain. I think the time has come when the non-official element in that Council may suitably be increased. As there is to be an official majority this means a considerable increase in the aggregate membership. The difficulty of obtaining a suitable electorate is recognised in the correspondence forwarded with your endorsement. The Local Government's suggestion is that the Advisory Council should be nominated and that the Councillors should elect one or two of their own numbers to serve on the Legislative Council. I see no possible alternative. While I do not support the proposal to create an Advisory Council, as such, for reasons which I have given, yet some such determinate body of electors is required to put forward members for the Legislative Council. I suggest that from each district should be nominated one, two or three electors, according to its size and importance. The Deputy Commissioners of the districts might be consulted in the selection of these gentlemen, who should be summoned to Rangoon and their expenses paid, on the occasions when their services are required. They might sit under the Chairmanship of one of the nominated Burman members of Council, who, however,

should not vote. There are 35 regular districts. The electorate might be limited to 100 and they might return two members. The European commercial element might be increased by one in the manner proposed in the Chief Secretary's letter. This will give four non-official members and the Local Government might nominate two more. The elected members (other than from Rangoon) will almost certainly be Burmans and the nomination of two other gentlemen will make it possible to include all interests. These six members might, as proposed, elect one of their number to serve as a non-official member of the Imperial Legislative Council. In case of equal votes the Lieutenant-Governor should have a casting vote. The number of the official members will have to be correspondingly increased.

3. With a Council so constituted I think there is no reason for withholding from the members the right of discussing the Provincial Budget or the right of interpellation.

From E. C. S. George, Esq., C.I.E., I.C.S., Deputy Commissioner, Ruby Mines District, to the Commissioner, Mandalay Division,—dated the 17th December 1907.

With reference to your General Department No. 618—2L.-4 of 20th November 1907, I am unable to suggest any improvement in the method of nomination for the Burma Legislative Council noted in paragraph 3 of the letter from the Chief Secretary to the Government of Burma, No. 429—1L.-18 of 16th October to your address. I certainly think that the number of non-official members of the Legislative Council should be increased, if it is only by this method that Burma can be represented by a non-official member of the Imperial Legislative Council. At the same time, speaking purely for Upper Burma it seems to me far too early to adopt any measures towards the introduction of Provincial Advisory Councils or to introduce the right of interpellation in the Provincial Legislative Council accompained by a discussion on the Provincial Budget.

So far as Upper Burma is concerned there has been too great a precipitancy in thrusting novel (even of improved methods) on the people which they do not understand and which they feel irksome and I do not think that the time is ripe for District Officers to establish Advisory Councils. I would pave the way for interesting the people in local administration by a general direction (when Deputy Commissioners are a little less burdened with heavy routine work than at present) to District Officers to collect the chief men of the various communities from time to time in a general sort of informal conference on local matters. I have adopted this course in the Ruby Mines District where work is not so heavy as elsewhere and found it useful, fancied grievances are ventilated and the intentions and methods of Government explained, the Burmese as a rule of course are diffident and disinclined to speak in a general conference but under the example of the more confident Chinamen and valuable native of India they are getting to know that in inviting their opinions openly the District Officer is not concealing sinister designs against them, but it will take a long time before the local people learn to speak fully except in circumstances of secrecy and in strict confidence, and therefore beyond recommending these informal conferences as a step towards training the people later for the establishment of Advisory Councils I would recommend no present action. The mere nominating of a man now as a Councillor would immediately close his mouth. At present the Deputy Commissioner can and does see a man privately and sometimes learns the truth and the trend of public opinion through him but only in confidence and no one knows whom the Deputy Commissioner consults. But an appointed Councillor would feel he was a marked man made responsible for all actions of officials whether in pursuance of his advice or not and would never give any definite opinion. The Deputy Commissioner, therefore, would either have to forego the advantage he has at present of consulting the best men privately or would have to select for the Advisory Councils men of less standing and character.

I merely, however, make the above suggestion of a sort of preliminary training because it would seem as if from the letters and resolution attached to your letter above quoted it is intended to insist that the people shall be trained after European models, with Municipalities, District Boards, Advisory Councils and so on, all of which schemes appear to me to be radically unsound, because they begin in the middle layer of the pyramid, so to speak, instead of the base. So far as Upper Burma is concerned the bed rock of administration is the village unit and any method of electoral or popular local management must, if it is to have a fair chance of succeeding, begin at the base. Instead of District Councils for the district one should have the village left to manage its own affairs under its own headman. We are trying to maintain and improve the local headman and nothing to my mind would so improve his status and increase his authority as to make his village the unit for the introduction of first steps in local self-government, and thereafter when his position is more important and coveted than it now is, associate with him in its governance some of the local elders. At present the local headman can and does by custom consult his village elders generally in matters pertaining to the village but I do not think matters are advanced enough yet to *formally* appoint Village Councils to practically rule the village and be given powers to control expenditure on local objects. You must first train a class of *individuals* (namely, the village headmen) to walk in the way required as permanent local guides and mentors to the Village Councils when formed. To suddenly give Village Councils formal recognition and

powers would be to at once introduce chaos with the people in their present stage of anvancement. As a beginning the District Officers can train a series of individuals, but if called on suddenly to deal with and instruct a whole series of local Councils all inexperienced and unaccustomed to the proper use of power, the task would be hopeless. The thugyi instead of being their light and guide would be no better than any Councillor and might be outvoted and swamped, whereas had he previously received a more regular training, had already had sufficient experience in exercising extended powers of governance, he would be no mere figure head but a real vitalising force in directing and training his local Councillors. At present the thugyi has not yet as a class been sufficiently trained even to exercise his present powers under the Village Act properly and effectively. He must learn to walk before he can run. As I have said above I consider the right steps towards local self-government should be—

(a) to increase the powers of the thugyi gradually giving him powers of expenditure on local public works, for instance, but only letting the village elders assist as they do now with informal advice;

(b) thereafter when as a class the thu gyis have learnt to use their powers with ability and discretion, to associate with them in formalCouncil the village elders with power to make their views felt by voting;

(c) thereafter when the villagers have thus learnt the rudiments to proceed to the constitution in term of Township Councils, District Councils, Provincial Councils, and so on.................selected from men who have been previously used to the ideas of representation.

Instead of beginning at once with District Boards and Councils whose constitution will, to begin with, be alien and repugnant to the mass of the people and from whom I feel sure the true spirit of representative Government will never *percolate downwards*.

But we have not yet in Upper Burma got to the (a) stage above, and I can see no object in a haste which will only defeat its own object. It is not as if the people at large here wanted representation. At present they only want to be left alone and have nothing to do with the process of Government. We wish to bring them into an activity foreign to their natures. The process should be gradual, and the informality of the method in which the village elders assist the thugyi by their advice must be maintained till the thugyi has acquired the necessary habit of fully exercising his present powers and the experience necessaryto direct and guide a regular Council.

From W. A. HERTZ, Esq., Deputy Commissioner, Myitkyina, to the Commissioner, Mandalay Division,—No. 4893—1L.-15, dated the 12th December 1907.

With reference to your General Department endorsement No. 618—2L.-4, dated the 20th instant, I have the honour to state that the creation of a Provincial Advisory Council for Burma would, in my opinion, serve a useful purpose. The difficulty in forming such a Council would lie in getting members who possess an intimate knowledge of the people, or of a section of the people, and who are at the same time sufficiently educated to be able to tender useful advice and who also possess a material state in the country.

2. The number of Councillors proposed by his Honour the Lieutenant-Governor, namely, twenty, appears to be sufficient. The great majority of the Councillors would have to be nominated, as the people of this Province are not sufficiently educated to permit of selection by ballot. But some of the Councillors might be elected, as proposed by the Lieutenant-Governor, for the Legislative Council, namely, by the Burma Chamber of Commerce, the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association, the rest being nominated by the Lieutenant-Governor on the recommendation of the Commissioners of Divisions, a certain number of Councillors being allotted to each division according to its population. At least one Councillor in each division should be a Burman, and the term of office of members of the Advisory Council should not be less than two years. If there is only one Councillor allotted to a division, he should be a Burman.

3. With respect to the Provincial Legislative Council, I see no reason why there should not be an annual discussion of the Provincial Budget, nor why the privilege of interpellation, under proper safeguards, should be withheld. The elective system will not work, except in the cases mentioned by the Chief Secretary in his letter to you, and, apart from these members, it would be necessary for the remaining members to be nominated, as is done now. As at present constituted, the Legislative Council consists of nine members. If to these be added one member who will be elected by the Burma Chamber of Commerce, another by the Rangoon Municipal Committee, Port Commissioners and Rangoon Trades Association in combination, and two by the members of the Provincial Advisory Council, the total number will be thirteen, which would, I think, be a sufficiently large number. It should be provided that at least four of the members shall be natives of Burma, and in making the nominations, it should be arranged that Government should always be able to reckon on a numerical majority.

ENCLOSURE 14.

From Major F. D. MAXWELL, C.I.E., I.A., Commissioner, Irrawaddy Division, to the Chief Secretary to the Government of Burma,—No. C.69—6L.-13, 1907, dated the 26th January 1908.

In reply to your General Department letter No. 429—1L.-18, dated the 16th October 1907, on the proposal to create Advisory Councils and to enlarge the Provincial Legislative Councils, I have the honour to inform you that I have consulted all Deputy Commissioners and the principal Municipalities in this Division. They are unanimously in favour of the proposals and almost unanimous in accepting the suggestions put forward in your letter.

2. As regards Advisory Councils my own view is as follows:—

The population of Burma may be classed as either trading, those resident in towns or agricultural, those resident in villages and engaged in agricultural or kindred pursuits. The trading community is that consisting of the large European or native firms or of those dependent on them; it is a wealthy, well-educated community which has no difficulty in making its voice heard, and it is, it may be noted, well-represented already on the Legislative Council.

The agricultural community is, on the other hand, just the reverse of all this, consisting of a large number of peasant proprietors, attached by necessity and sentiment to the soil and living in scattered villages and hamlets, only partially educated, passionately attached to their creed, unrepresented in any Council. Their voice is scarcely heard save through the mouths of officials, and their interests are almost entirely parochial certainly not provincial. The opinion of the trading community is known now and I agree that, if expressed on an Advisory Council, good would possibly result: at all events the rulers and ruled would be brought nearer together. But, as regards the agricultural community, as it exists in Burma, it seems to me that the Secretary to the Government of India expresses in paragraph 2 the correct view that, for the present at any rate, the needs and sentiments of the masses of the people must find expression through those, whether officials or non-officials, who are acquainted with their daily life, and are qualified to speak with authority on their behalf. The community has at present no homogenity, no leaders. The interests of the cultivator of Myingyan are as different from those of the cultivator of Ma-ubin as both are from those of the trading community.

The agricultural community takes, as I have said, little or no interest in provincial matters or in any matters outside the villages in which the community lives, but I think it could be educated up to taking interest, and that this education would not take very long, for the Burman is essentially assimilative and limitative. The education should be by means of District and Divisional Advisory Councils as is now proposed for the Province. It is those Councils I would start first in a confident hope that the better and more intelligent members would find seats and adorn seats on a Provincial Advisory Council when such was created.

I think when the District and the Divisional Councillor shews an intelligent interest in district or divisional affairs, it will be time to widen his horizon bounded now by the compound of the village monastery. Eliminate the agricultural community and you have but the trading community left, well represented and loud voiced, in whose sole interests I would deprecate the creation of a Provincial Advisory Council.

3. As regards the enlargement of the Provincial Legislative Council, I think nothing but good would result, more especially if interests other than those of trade and of Rangoon can be represented. Election in Burma is out of the question, but the interests I refer to can be obtained by nomination. If the total number of non-official members was fixed at, say, eight, and Rangoon trade given two seats, it would leave six for nomination by His Honour from the rest of the Province, and no doubt there could be found, say, four men out of the six, who would and could represent interests other than trade and the law. Of the eight certainly one-half should be Burmans or natives of the Province speaking a language of the country as his mother tongue. I see no reason whatever why an annual discussion of the Provincial Budget should not take place,

nor why the privilege of interpellation should be withheld. The Government has nothing to hide, therefore the more publicity given to its proceedings the less the chance of misunderstanding.

4. I forward copies of letters received, No. 3398—1L.-19, dated the 28th November 1907, from the Deputy Commissioner, Ma-ubin, and No. 276—1L.-1, dated the 16th January 1908, from the Deputy Commissioner, Bassein.

From H. CLAYTON, Esq., M.A., I.C.S., Deputy Commissioner, Ma-ubin, to the Commissioner, Irrawaddy Division,—No. 3338—1L.-19, dated the 28th November 1907.

In reply to your letter No. 430—6L.-13, dated the 13th November 1907, I have the honour to say that the proposed Advisory Council seems to offer a very valuable method of obtaining the opinion of the people of the Province on proposed measures. But if this object is to be secured, it will be necessary to see that all parts of the Province are fairly represented.

I would suggest that two members be appointed from each division, two from the Southern Shan States, and one each from the Northern Shan States and the towns of Rangoon and Mandalay. The members should be nominated by the Commissioner of the Division or the Superintendent as the case may be, and be finally appointed by the Local Government. The Council should, I think, meet twice a year, once in Mandalay and once in Rangoon, as there is a chance that men of influence upcountry would be unwilling to undertake the journey to Rangoon.

The proceedings of the Council should be conducted in Burmese, or at any rate Burmese should be placed on an equality with English.

I would also suggest that a permanent President will be necessary. This should either be an officer appointed by name or the post should be attached to a particular appointment, *e.g.*, District Magistrate, Rangoon Town. It would not be difficult to arrange to set him free from his ordinary duties for the few days during which the Council would sit at Mandalay.

If the Council were to meet some time before the sessions of the Legislative Council of the Province, an extremely valuable body of opinion would be obtained on the draft Bills which the Local Government were proposing to introduce at the forthcoming session.

2. With regard to the proposed changes in the Legislative Council I have no suggestion to offer except to point out that the position of the Advisory Council would be much strengthened if, say, it were empowered to send ten of its members to the meetings of the Legislative Council.

From Lieutenant-Colonel F. H. ELIOTT, I.A., Deputy Commissioner, Bassein, to the Commissioner, Irrawaddy Division,—No. 276—1 L,-1, dated the 16th January 1908.

With reference to your letter No. 427—6L.-13, dated the 13th November 1907, forwarding four copies of the Chief Secretary's letter No. 429—1L.-18, dated the 16th October 1907, I have the honour to submit my report together with the recommendations of the Municipal Committee, Bassein, Subdivisional Officer, Ngathainggyaung, and President, Town Committee, Kyonpyaw, who were consulted in the matter.

2. I regret the delay which was caused by the papers being kept back in the office of the Subdivisional Officer, Ngathainggyaung.

3. In writing this report, I do not think it is necessary for me to comment on the proposed constitutions of the Imperial Advisory Council and merely deal with the proposals regarding Burma. The difficulty in Burma in getting into touch with the people through their own representatives is so enormous that I am inclined to doubt whether any good will be effected by the establishment of an Advisory Council or an enlargement of the Provincial Legislative Council.

Burma being essentially a country of peasant proprietors it is difficult to pick out a man who will represent the great bulk of the population and at the same time command their confidence. The result will probably be that the men selected will be townsfolk who are quite unaffected by measures which affect the villages and whose interests are sometimes quite opposed to those of the country folk. Even if they took the greatest interest in their work it is easy to see that their opinion on, say, an amendment to the Village Act, or a new Fishery Bill would be of very little value. They would not know exactly where the shoe pinched, nor would they be in close touch with the people who did.

In short I am in favour of an Advisory Council, and an enlarged Legislative Council, if the right men can be found or exist, but I have the gravest doubts in this point and I think a Council formed of Pleaders and retired Government Officials would be entirely useless and only help to make delay.

If it is decided to establish an Advisory Council, I would strongly recommend that Rangoon should not be preponderant. The questions concerning Rangoon are usually questions that are readily understood, and on which the administration does not require advice so much as on questions affecting the peasantry, and their attitude towards any proposal.

I think that 20 would be a sufficient number of members for the Advisory Council. They should be appointed for two years, each Commissioner in Burma would nominate two who would be representative of his division and be able to explain how any measure would affect the people of that part.

This would give 16 members. The remaining four would be selected by the Local Government to represent the Shan States and the foreign populations such as Indians and Chinese. This body of men would represent the whole Province very fairly. I would insist on the candidates being nominated by the Commissioner. Any form of election would immediately result in the lawyer and retired official class being elected and this class does not represent the general community. The Commissioners might be able to find men amongst the Circle Thugyi class who are fairly well-educated and intelligent, who would yet have all their interests outside the towns, and be able to represent the working of the Acts.

As regards the enlargement of the Legislative Council, I am strongly in favour of this proposal again if the men can be found. At present no non-official represents the country generally. It would be advisable to appoint three members, one to represent Lower Burma (already strongly represented by Rangoon), one to represent Central Burma, and one for the frontier districts. These would all have to be nominated by the Local Government on the selection of the Commissioners.

I think the Council should discuss the budget on full, but I think the right of interpellation should be most rigidly restricted if allowed at all.

BASSEIN MUNICIPALITY.

Extract from the Proceedings of an ordinary meeting dated the 28th November 1907.

* * * * *

Paragraph 6.—Considered the papers dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Provincial Legislative Councils.

(*a*) The Committee are of opinion that twenty members would be ample to constitute Advisory Council and that they should be appointed by nomination of the Lieutenant-Governor.

(*b*) The Committee suggested an increase of three members in the Burma Legislative Council, two from the Advisory Council, of which one to be a Native of Burma and one for Delta Division, to represent maritime and trade interests other than those of Rangoon.

(*c*) The Committee recommended that the annual discussion of Provincial Budget and the right of interpellation be introduced in the Legislative Council, as is permitted in the Legislative Councils of most of the other Provinces in India.

(*d*) The Committee recommended that the Burma Chamber of Commerce elects one member; the Rangoon Municipality in combination with Port Commissioners and the Rangoon Trades Association elect one member; the Provincial Advisory Council elects two members and the rest non-official members to be nominated as at present and that no less than two of the elected members should be natives of Burma.

Resolved that the Deputy Commissioner be informed accordingly in compliance with his endorsement No. 5991—1L.-12, dated the 16th November 1907.

From the Subdivisional Officer, Ngathaingyaung, to the Deputy Commissioner, Bassein,—No. C.-5, dated the 19th December 1907.

With reference to the letter of the Commissioner, Irrawaddy Division, to your address No. 427—6L.-13, dated the 13th November 1907, requesting a report upon the proposals contained in Chief Secretary's letter No. 429—1L.-18, dated the 16th October 1907, I have the honour to state my opinions as follows:—

As regards the Legislative Council, I think that its influence so far as it at present exists, is in its nature consultative especially with regard to the non-official members, who are, I suppose, chosen out of regard to their representative position and weight in affairs regarded from a view external to and in a sense more intimate than Government's view, developed, through the medium of reports, etc., in the Secretariat. I see no reason to think an extension of its personnel is impossible or undesirable inasmuch as this question seems to me to be mainly one of the fitness of non-officials for the functions demanded by the position of Legislative member. I am quite certain that in Burma there are considerably more interests worthy of representation than four and correspondingly there exists representatives of these interests as capable of treating legislative and other problems in a statesmanlike manner and without partialities biassed by narrow interests, as the four present non-official members. The present trade representation on the Council for example, may,

I think, be called mainly representative of Rangoon; the interests represented ramify, of course, in other directions but they all centre in Rangoon, and I do not think that such a representation is likely to do justice, for example, either to trade interests in Lower Burma, elsewhere than Rangoon or in Upper Burma. I would say, therefore, that the number of the Council might with advantage be increased by the addition of such representatives: I have looked at the latest list of the Council and I think I am not wrong in saying that there are really only two members who are truly representative of trade interests apart from connection with Government. I would support too the extension of functions implied by the discussion of the budget and interpellation, not only because criticism is never bad for sound finance but because I think that publicity so far as possible should be given to Burma's needs and the difficulties under which Government labours in an attempt to meet these needs with insufficient funds; I think that an informed public opinion might strengthen the position of Burma with regard to the periodical provincial settlement.

With regard to the method of selection I should think that where an interest to be represented was sufficiently organised and consolidated the principle of election would be extended, *e.g.*, to the Chamber of Commerce as suggested in the letter of the Chief Secretary. In other cases the method would be nomination.

As regards the Advisory Council I have the honour to report that I cannot feel any confident hope that it will serve any very useful purpose. If the intention is that it shall exist to advise Government I would state that I think this is already done in matters involving trade or other interests by the Secretariat by means of direct consultation. I do not believe that there would be any real interest taken in an Advisory Council with no powers, and I think it would give rise to much delay and correspondence over the references. I do not in the least mean to say that I am against the extension of consolidation, but I think it is done and could be done more easily, less ostentatiously and probably more effectively by an extension of the present habit of demi-official reference to individuals or associations. If the aim of Advisory Council is less obvious than that implied by its name and is really what appears to be suggested by many remarks in the letter of the Government of India then I believe speaking in this connection, without reference to India of whose local conditions I know nothing directly and with reference only to Burma where conditions are, I think, to a great extent individual that to establish an Advisory Council is beginning at the wrong end. In Burma there is no class of hereditary estate owners or Zamindars whose interest in India apparently most strongly need representation; whatever be the case in India I do not hnow of any manifestation yet in Burma of the desire to mix public spiritedly and without an assured measure of powers in public affairs. In Burma, it seems to me that loyalty and feeling are local to village, subdivision, district and even division, because the people know them and come in contact with their representative official; and if effective works is to be done in the direction of rousing in the people an altruistic political sense, I think it should begin by utilising the existent elements of local loyalty which are even now dimly existent and perhaps are only dormant.

I have not yet been able, on account of my absence on tour, to consult the Municipal Committee, whose opinion I shall communicate as soon as possible in my capacity of President; the views in this letter are, of course, my own only.

Proceedings of the Ordinary Meeting of the Kyônpyaw Town Committee, held on the 21st December 1907.

PRESENT.

U THA SHUN, Township Officer	*President.*
MAUNG PO SAW	*Vice-President.*
U PE GYI	*Members.*
MAHOMED WAHID	*Members.*
U PO TU	*Members.*

Read endorsement No. 599—1L.-12, and its enclosures, dated the 16th November 1907, from the Deputy Commissioner, Bassein, to the President of the Kyônpon Town Committee relating to the proposals for the creation of Imperial and Provincial Advisory Councils and for the enlargement of the existing Imperial and Provincial Councils for opinion. The Committee after discussing the matter fully, express their opinions as follows :—

(*a*) That twenty members would be ample to constitute an Advisory Council and that they should be appointed by nomination of the Lieutenant-Governor.

(*b*) That an increase of three members in the Burma Legislative Councils, two from the Advisory Councils to represent maritime and trade interest other than those of Rangoon.

(*c*) That the annual discussion of Provincial Budget and the right of interpellation be introduced in the Legislative Council as was done in other Provinces in India.

(*d*) That the Burma Chamber of Commerce elect one member, the Rangoon Municipality in combination with Port Commissioners and the Rangoon Trades Association one member, the Provincial Advisory Council elects two members and the rest non-official members to be nominated as at present and that no less than two of the elected members should be natives of Burma.

It is furtheragreed that the Deputy Commissioner be informed accordingly in compliance with his endorsement above quoted.

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Enclosure 15.

From the Hon'ble H. L. Eales, I.C.S., Commissioner, Pegu Division, to the Chief Secretary to the Government of Burma,—No. 1439—5L.-17, 1907, dated the 30th January 1908.

In reply to your letter No. 429—1L.-18, dated the 16th October 1907, forwarding copy of Home Department letter No. 2317, dealing with certain proposals for the creation of Imperial and Provincial Advisory Councils, and for the enlargement of the existing Imperial and Provincial Legislative Councils, I have the honour to report as follows:—

The papers were circulated to the Deputy Commissioners and they were asked to consult local opinion and to submit reports in accordance with the points raised in your letter of the 16th October. Copies of their letters as noted in the margin are forwarded herewith.

Letter No. 7728—1L., dated the 28th October 1907, from the Deputy Commissioner, Tharrawaddy.
Letter No. 7628—1L.-39, dated the 8th November 1907, from the Deputy Commissioner, Pegu.
Letter No. 7045—1L., dated the 15th November 1907, from the Deputy Commissioner, Hanthawaddy.
Letter No. 2533—1L., dated the 20th November 1907, from the Deputy Commissioner, Rangoon.
Letter No. 56—1L., dated the 7th January 1908, from the Deputy Commissioner, Rangoon.
Letter No. 274—1L.-11, dated the 29th November 1907, from the Collector, Rangoon.

The most interesting of these reports are those of the Deputy Commissioner, Hanthawaddy, and the District Magistrate, Rangoon, Mr. Leveson. Mr. Leveson consulted the Honorary Magistrates on the subject, and they were unanimously of opinion that no Advisory Council should be constituted. They were all of opinion that the Provincial Legislative Council should be increased, and when it was pointed out that a large increase in the number of the members of the Legislative Council owing to the difficulty in obtaining a sufficient number of official members might not be feasible, they suggested the Bills might be disposed off in Committee. It is hardly worth while discussing this proposal. For it is quite clear such a proposal could not be adopted under any possible circumstances, because it could only be effected, not merely by altering the law, but by running counter to all pre-conceived notions which underlie the functions of representative assemblies.

I myself have consulted a large number of Burman notables in the course of my tours. The gentlemen I consulted were of opinion that a Provincial Advisory Council should be constituted. The number of members suggested by His Honour, 20, appears to be generally considered suitable. They were all of opinion that it would be premature to appoint them in any way but by nomination. Personally, I myself think some of the members at least of the Advisory Council might be elected, but that the franchise should be confined to representative bodies, such as the Chamber of Commerce, the Rangoon Trades Association, the Rangoon Bar, the Rangoon Port Commissioners and the Municipal Committees of Rangoon, Moulmein, Akyab and Mandalay, who might be asked to each elect one member. I think it would be premature to extend the number for election any further at present.

With regard to Provincial Legislative Council it is generally considered that the time is now come that the annual discussion of the Provincial Budget and the right of interpellation should be introduced in the Legislative Council of this Province.

I agree in thinking that this might be done.

With regard to the increase of membership and the best method of appointing the members to the Provincial Legislative Council, I am of opinion that, outside of Rangoon, the Burmans would not at present welcome any extension of the elective principle as applied to the Provincial Legislative Assembly. The Burmans are afraid that they would not thereby secure the appointment of men who would best represent them on the Council. I think that for some time to come the selection of members by election should, as His Honour suggests, be confined to the Chamber of Commerce who might suitably elect one member and the Rangoon Municipal Committee, the Rangoon Port Commissioners and the Rangoon Trades Association might, in conjunction, select another member.

Two other members might suitably be elected by the Provincial Advisory Council, but I think it should be clearly laid down that the field of selection should in their case be limited to natives of Burma. For I do not think that either the Chamber of Commerce or the Rangoon Municipal Committee, the Port Commissioners and the Rangoon Trades Association would welcome the idea of limiting their field of selection to natives of the Province.

It would perhaps be sufficient to counterbalance these elected members and to ensure a proper representation of Burmese opinion outside Rangoon, if two more members were nominated by the Lieutenant-Governor to sit on the Council. Of these at least one should be a Burman. This will give us six non-official members half of whom must be Burmans. In order to maintain the desirable majority of official members, it will be necessary, therefore, to increase the numbers of official members from 5 to 7. There would then be 14 members in all including the Lieutenant-Governor as President.

As regards the selection of members for the Imperial Legislative Council, I am of opinion that it would be premature here in Burma to entrust the election of the members to the general public or even any section of it. I think, however, that the election of one member might be left either to the Provincial Advisory Council or to the non-official members of the Legislative Council. The drawback of leaving the selection to the non-official members of the Legislative Council has been discussed in paragraph 12 of Sir Herbert Risley's letter. Objection has been taken to entrusting the privilege of election to an electorate consisting of only ten persons unless it be intended to increase our non-official members to above this number which might not be feasible yet awhile in Burma. If this objection be considered insuperable, I would suggest the election might be left to the Advisory Council or to the Advisory Council in conjunction with the non-official members of the Provincial Legislative Council. This method of election by two or more bodies has already received sanction in the suggestion that the Rangoon Municipal Committee, the Port Commissioners and Rangoon Trades Association should, in conjunction, elect a member to the Provincial Legislative Council.

Personally I must admit I do not see much force in the objection raised in paragraph 12 of Sir Herbert Risley's letter. The non-official members would act as an electoral College and might will be entrusted with the election of one member.

Letter from the Deputy Commissioner, Tharrawaddy District, to the Commissioner, Pegu Division,—No. 7728-1L., dated the 28th October 1907.

With reference to your endorsement No. 824—5L.-17, dated the 23rd October 1907, I have the honour to reply as follows:—

(1) I consider that 20 is a suitable number for the Provincial Advisory Council. In Burma the Council will have to be nominated, as it will be impossible to obtain suitable members by election. Fully two-thirds of the members should, in my opinion, be Burmese Buddhists. There would, I think, be danger of the trading element preponderating because the traders are on the whole wealthier, more intelligent and more amenable to modern ideas than any other section of the community. It will, on the other hand, be extremely difficult to provide proper representation of the landed classes, because large landowners are not numerous and the majority of them are money-lenders, pure and simple. There would be no difficulty in obtaining Burmans of high character, intelligence and public spirit as members of an Advisory Council, but the danger is that the men we should obtain would be out of touch with the people. The true representatives of the people of Burma are their *Ywathugyis*, *Taikthugyis* and *Myothugyis*. It is to these that District Officers almost always have to turn for information and advice. I do not propose to appoint *Ywathugyis* as members of the Advisory Council, but I am of opinion that in selecting the members great care should be taken to see that the men selected are in touch with the people, know their needs and conditions and are really competent to give advice to Government in matter affecting their welfare.

(2) I see no reason why the right of interpellation should not be introduced into the Legislative Council of Burma.

(3) I am of opinion that the Legislative Council should be increased by the addition of nine extra members, four of whom might be non-officials. This would make a total of eight non-official members; of these three might be elected as suggested in the letter under report and the rest nominated. The majority of the non-official members should, in my opinion, be Burmans.

Letter from the Deputy Commissioner, Pegu District, to the Commissioner, Pegu Division,—No. 7628—1L.-39, dated the 8th November 1907.

In reply to your letter No. 824—L5.-17, dated the 23rd October 1907, I have the honour to state that the time has been too short to form any very matured conclusions on this important matter. I have, however, consulted Maung Ogh and Maung Pein and am of opinion that the suggestions put forward by the Local Government are suitable.

With regard to the specific points on which advice is required, I would report as follows :—

Provincial Advisory Council.—Twenty would be a suitable number of Councillors; they should for the present at any rate be all appointed by nomination.

Provincial Legislative Council.—I think that discussion and the right of interpellation should be allowed.

The numbers of the members might also well be increased, but I do not think that the elective principle could be introduced to any great extent. The suggestions of Government for the election of three or four members by certain representative bodies is as far as that principle can at present be safely introduced.

Letter from the Deputy Commissioner, Hanthawaddy District, to the Commissioner, Pegu Division,—No. 7045—1L., dated the 15th November 1907.

With reference to your endorsement No. 824—5L.-17, dated the 23rd October 1907, forwarding for advice certain proposals of the Government of India for the constitution of Imperial and Provincial Advisory Councils and for the enlargement of the Imperial and Provincial Legislative Councils, I have the honour to remark as follows :—

The Imperial Advisory Council.—The scheme outlined in paragraph 5 of the Government of India's letter for the formation of this Council appears to me to be sound. But I consider that apart from members nominated by the Viceroy, who should perhaps form a majority, say, 2 to 3 of the Council, it would be well for a certain number of seats to be reserved for each Province, to be filled by nomination of the respective Local Governments. It appears to me that unless this is done there is some danger of certain Provinces with important local interests being inadequately represented on the Advisory Council. In Burma, for instance, there are probably few if any individuals of the class referred to in paragraph 5 (3), and it is intended that the majority of the Council should be drawn from this class.

2. *The Provincial Advisory Council.*—The number of Councillors suggested by the Local Government (twenty) appears to me suitable. I do not, however, altogether agree with the suggestion that all the Councillors should be appointed by nomination. It appears to me that the adoption of this method of appointment is open to the criticism that individuals whose views are known to be opposed to those of the Local Government in certain respects would be unlikely to be nominated. It must be remembered that the Advisory Council will be vested with no formal powers and that it will receive no legislative recognition : and it therefore appears to be advisable that the widest possible opportunities shoud be given for the representation of every shade of public opinion on this Council. It seems to me advisable that in addition to the four bodies mentioned in paragraph 3 of the Chief Secretary's letter, the first of which might suitably nominate two members, and the other three a member each, the members of the Provincial Bar and the more important Municipalities, such as Mandalay, Bassein and Moulmein, should be allowed to nominate a representative. I do not think that any practicable scheme for the erection of Councillors can be devised and I consider that the balance of members should be appointed by the Local Government's nomination.

3. *Enlargement of the Imperial Legislative Council.*—It appears to me that under the constitution sketched in paragraph 12 of the Government of India's letter the interests of this Province are not sufficiently represented among the elected members. Burma is only given one elected member out of 18, and it appears to me that the constantly increasing importance of the Province justifies its representation by at least two, if not three, elected members. The Provincal Chamber of Commerce might reasonably be placed on an equality with those of Calcutta and Bombay and permitted to elect a representative. Again the nobles and great land-owners of every Province, except Burma, are allowed to nominate a member. It is explained in paragraph 14 that the class of the community proposed to be selected for electoral purposes in other Provinces is non existent in Burma. This may be and is no doubt a sound reason for not forming an electorate in this Province. But the fact appears to have been overlooked that the population and material prosperity of Burma entitles the Province to a representative of the class which will be appointed by election in all other Provinces. There seems to be no good reason why a Provincial representative of the class referred to in sub-paragraph D (*c*) should not be appointed by nomination of the Lieutenant-Governor. The Province would then secure three out of 20 elected members, a representation which its importance would appear to fully justify.

The other proposals for appointing members do not affect Burma.

The Provincial Legislative Council.—It is proposed to increase considerably the membership of the Provincial Legislative Councils. It is stated in paragraph 13 that an electorate of only ten non-official members is not sufficiently large to elect a member of the Viceroy's Council. Again it is laid down in paragraph 20 as an axiom that there must be an official majority. The present strength of the Burma Legislative Council is only nine, of whom four are at present non-official members. It would seem that the Government of India contemplate an increase of the Provincial Council to a membership of from 30 to 40. If the latter figure be taken it will, I should say, be a matter of some difficulty to obtain 21 officials competent to fill places on the Council. As regards the non-official membership it is suggested than the following bodies should elect members :—

(1)	The Chamber of Commerce	1
(2)	The Rangoon Port Commissioners The Rangoon Trades Association The Rangoon Municipal Committee	1
(3)	The Advisory Council	1 or 2

This will leave 15 or 16 places to be filled by nomination. It is unlikely that any of the first four bodies mentioned above will elect a member with any interests outside of Rangoon, and it is extremely difficult to devise any scheme of election by which representatives of Extra Rangoon interests can be appointed or to name any Municipal body of sufficient importance to justify its being granted the privilege of nominating a member. It appears to me therefore that the Advisory Council, which is intended to represent in as wide as possible a manner the interests of the Province as a whole, should be allowed to nominate as many as five members of the Legislative Council, and that the remaining members should be appointed by nomination of the Lieutenant-Governor. I think also that in view of the extreme importance of the Port of Rangoon in relation to the interests of Burma as a whole the Port Commissioners should elect a member. It is probable that the Rangoon bodies will rarely if ever send a native of Burma to the Council and it therefore appears important to enact that at least two-thirds of the non-official members should be natives of Burma.

5. It seems to me highly desirable that a discussion of the Annual Provincial Budget should be allowed, and that the right of interpellation should be introduced.

Letter from the Deputy Commissioner, Rangoon, to the Commissioner, Pegu Division,—No. 2533—1L., dated the 20th November 1907.

With reference to your letter No. 824—5L.-17, dated the 23rd October 1907, on the subject of Imperial and Provincial Councils, I have the honour to report that I find myself unable in the short space of five days to obtain adequately reasoned opinions from any of the officers under my control or myself to give the subject the careful consideration that it demands. I therefore submit with diffidence the following remarks premising them with the suggestion that they should be taken as framed only on a *primâ facie* view of the proposals set forth.

2. I see no objection to the proposal to constitute an Advisory Council ; twenty appears to be a suitable number of Councillors to be appointed ; I am unable to offer any suggestion for a feasible scheme of election, and of opinion that for the present at any rate the Councillors should be nominated.

3. As regards the proposal to enlarge the Provincial Legislative Council I am of opinion that the time has not yet arrived when such a measure is likely to be attended with fruitful results. It appears to me that the number of Burmese non-official gentlemen who have any knowledge at all of the Province as a whole or of the requirements of more than one comparatively small portion of it is extremely limited, whereas one opinion based on the knowledge of the whole is very much more valuable than several opinions which are the outcome of experience in several separate parts. I venture to suggest that the establishment of District Boards is a necessary preliminary to the proposed measure, so that experience in dealing with questions on a smaller scale may afford an education to assist in the consideration of matters of larger scope.

With this proviso I see no objection to the introduction of the right of interpellation. The value of the elective system on the tentative lines suggested by His Honour appears to be somewhat negatived by the condition that not less than two of the elected members should be natives of Burma. It appears hardly likely that any of the bodies named except the Advisory Council will of their own choice elect a Burmese gentleman to represent them. In my opinion the proviso is very much more important than the elective system. I would, therefore, recommend deferring the introduction of an elective system until the country is sufficiently advanced to ensure its resulting in the election of Burmese by Burmese.

Letter from the Deputy Commissioner, Rangoon, to the Commissioner, Pegu Division,—No. 56—1L., dated the 7th January 1908.

I have the honour to return herewith the papers received with your No. 313—5L.-17, dated the 9th December 1907, and to report that I have consulted the Honorary Magistrates on the subject of Provincial Councils with the following result.

2. The opinion unanimously expressed that it was not advisable to establish an Advisory Council. It was considered that unless powers were delegated to the Council nobody whose opinion was worth taking would be willing to serve on it. As one gentleman expressed it, "The only thing then will be to talk." It was further suggested that for expressing the views of the people with regard to the governance of themselves the presence of non-official members on the Legislative Council was sufficient.

3. The proposal to increase the Legislative Council was also unanimously approved on the grounds that the collective knowledge of two Burmese non-official gentlemen cannot be said to cover the needs of the whole Province. On my pointing out the difficulties of securing a majority of Government officials if the non-official element were largely increased, it was suggested that Bills might be disposed of by Committees, all the official members being appointed to all the Commitees, but the non-official members only to those they were specially suitable for.

4. It was also considered that the right of interpellation should be granted; that the Budget and similar questions on which opinions without voting was required should be discussed in the whole Council; and that if this were done there would be still less need for an Advisory Council.

5. No practical suggestions for an elective scheme were offered, and it was generally held that nomination by the Lieutenant-Governor was at present at any rate, the means best fitted to the requirements; but the suggestion was made that if representation in some form was considered desirable each Commissioner of a Division should nominate one member; or that in the event of District Boards being established each Board should elect a member, the Boards themselves being presumably nominated.

6. The opinions expressed above are opposed to those I expressed in my former letter. I am still of opinion that it is not advisable at present to enlarge the Legislative Council; and that the establishment of District Boards should be the first step to be taken towards development of self-government. I also think that the objection raised to the establishment of an Advisory Council is not insuperable but concur with the Honorary Magistrates in the view that if a substantial enlargement of the Legislative Council on lines similar to those proposed should be considered feasible, the need or desirability of an Advisory Council will be thereby superseded. The proposal to vote entirely by Committees is a novel one, but on the supposition that an enlargement of the Legislative Council is decided on, it appears to me to be a convenient method of meeting the difficulty with regard to the maintenance of the official majority and I do not at present see any serious objection to its introduction.

Letter from the Collector, Rangoon, to the Commissioner, Pegu Division,—No. 274—1L.-11, dated the 29th November 1907.

I have the honour to submit the following observations on the circular about the proposed Advisory Council and the Legislative Council.

2. I think twenty is a suitable number of Advisory Councillors for Burma.

3. In order to decide whether a practicable scheme for election of them or some of them can be devised or they should all be nominated, it is necessary to consider what are the principal interests to be represented by the Councillors.

As regards Rangoon, the following interests should be represented :—

Timber extraction and conversion.	Transportation.
Oil winning and refining.	Religion and education, monasteries and missions.
Paddy financing and rice milling.	Non-Burman communities settled in Burma.
Export trade.	Mahomedans, Hindus, Chinese, Eurasians.
Import trade.	

The Chamber of Commerce might perhaps elect a Councillor to represent the first six of these. Representatives of the others might be elected by constituencies consisting of persons nominated for the purpose.

4. An annual discussion of the Provincial Budget by the Burma Legislative Council and the right of interpellation should be introduced with the improvements suggested in the circular.

5. The elective system might be advantageously introduced in connection with the appointment of members of the Legislative Council on the lines proposed in the Chief Secretary's letter and not less than two of the elected members of the Burma Legislative Council should be Burmans.

ENCLOSURE 16.

From B. S. CAREY, Esq., C.I.E., Officiating Commissioner, Mandalay Division, to the Chief Secretary to the Government of Burma,—No. 63—2L.-1, dated the 4th February 1908.

In continuation of Mr. Twomey's letter No. 581—2L.-1, dated 23rd January 1908, I send as he promised the report of the Deputy Commissioner, Mandalay, on the subject of the proposed Advisory Councils.

2. I have nothing to say against the proposals set out in paragraph 3 of his letter except that I do not consider that a "special representative of persons or firms engaged in developing the mineral resources of the country" need be appointed; the interests of such persons would naturally be championed by the Chamber of Commerce.

3. As Mr. Twomey has submitted his own views there seems no need for a second report to issue from this office, but I should like to make a few remarks on the subject of representation on the Advisory Council. The interests of the European and the wealthy Indian and Burman trading communities can be fully voiced by very small representation, and if the objects of the measure are to be attained it is absolutely necessary that (1) the Burman cultivator, (2) the petty trader, and (3) those others whose work depend on the two former, and who all together form the vast majority of the population, should be largely represented. In this Division it would not be sufficient for the agricultural member to understand the condition of affairs under the Mandalay canal only; he ought to be able to advise on the state of affairs under the Kachin Hills also. In the Meiktila Division the dry crop expert of Myingyan and Yaméthin knows little of the vital interests of the Kyauksé garden land workers. As regards the native traders, I feel that the Chamber of Commerce and the Trades Association naturally approach the subjects in which they are interested from an European point of view, and that they are apt to consider what is best for the Burman, rather than what the Burman feels and wishes. I do not think that the feeling and views of the country Burman will be accurately voiced by elected members from the large European associations and Municipalities.

4. I am inclined to think that the number of members should be twenty-four of whom five should be elected—

By the Chamber of Commerce	1	election.
Port Commissioners	1	"
Trades Association	1	"
Rangoon Municipality	1	"
Mandalay Municipality	1	"
Burman Agriculture	12	nominations.
Burman Trade	4	"
Selected Burmans	2	"
Shan States Representative	1	"
	24	

5. I suggest that it would not be necessary for every Division to be represented by two representatives of agriculture, and hence I put down twelve instead of sixteen.

6. Many of the men who are most capable of speaking on the agricutural interests and of the feelings of the people of the upper country are in Government service, and especially amongst the Myooks are to be found what may be termed the aristocracy of the country officials under the King of Burma and their descendants. Such persons (who often own land) would be invaluable on the Council although they are officials. I suppose that there is no Deputy Commissoner in the country who will not say how much he owes to some elderly Upper Burma Subdivisional Officer or Township Officer for true information and invaluable advice.

7. I have put down " selected Burmans " for two appointments, and I suggest that these men should be chosen from the whole of Burma for their knowledge of the Burman, his thought, and his interests in religious, social, and educational matters especially.

8. I have not seen all the correspondence on the subject, and I do not know if the question of defraying the expenses of the members has been mooted, but those Burmans of my acquaintance whom I should choose to advise me under similar circumstances, should certainly have their expenses paid. In Burma we want to hear the voices of the poor in the interests of the country. It might perhaps be arranged to pay the expenses of nominated members, but not those of elected members.

From Major D. J. C. MACNABB, I.A., Deputy Commissioner, Mandalay, to the Commissioner, Mandalay Division,—No. 488—2P.-1, dated the 31st January 1908.

In reply to your General Department letter No. 618—2L.-4, dated the 20th November 1907, I have the honour to report that after circulating copies of the enclosures to the leading residents of Mandalay and to the Municipal Committee and Upper Burma Bar Association, I held a meeting on the 25th January 1907, at my office, when the following gentlemen honoured me by attending :—

Maung Nyum, Municipal Commissioner.
Maung Kan Bow, Advocate.
Mr. H. N. Hirjee, Advocate.
Mr. Dank, Bombay Burma Trading Corporation, Limited.
Mr. Wakefield, Whiteaway Laidlaw & Company.
Mr. H. N. Lutter, Advocate.
Mr. R. Playfair. Banker.
Mr. L. Griffin, Tramway Company.
Mr. R. C. J. Swinhoe, Advocate ; and
Mr. Wilkins, Manager, Misquith & Company.

2. The subjects of Advisory Councils and an increase to the present Legislative Council was then discussed in the light of the marginally noted letters from the—

No. 2310—2317, dated the 24th August 1907.

No. 429—1L.-18, dated the 16th October 1907.

(*i*) Officiating Secretary to the Government of India.
(*ii*) Chief Secretary to the Government of Burma.

3. The meeting resolved to submit the following suggestions to the Local Government as representing their collective opinion on these two important proposals.

Advisory Councils.

(*a*) The number of members of the Provincial Advisory Council it is suggested should be 21.

(*b*) Of these one-third or seven should be allotted to Upper Burma.

(*c*) Nomination is the most likely method to secure suitable members and a representation of all classes and communities.

(*d*) Representation by " interest " is more likely to lead to good results than representation based on communities or nationalities.

(*e*) The only exception to nomination should be in the case of the Mandalay Municipal Committee which, it is suggested, should elect one of its members to the Advisory Council.

(*f*) The seven members may be apportioned as follows :—

One to be elected by Mandalay Municipality.
One to represent Northern and Southern Shan States.
Two to represent agricultural interests.
Two to represent general trading interests.
One to represent persons or firms engaged in developing the mineral resources of the country.

4. *Legislative Council.*—These seven Upper Burma members of the Advisory Council should elect one of its members to the Burma Legislative Council.

5. The meeting finds it impossible to advise on the members for the Legislative Council ; but trusts that in distributing the seats the fair representation of outlying centres of population, such as Mandalay, Moulmein, and Akyab, may not be overlooked.

6. The meeting are unanimous in thinking that the annual discussion of the Provincial Budget should be provided for and that the right of interpellation should be allowed.

7. In conclusion, I may remark that these suggestions embody my personal views on the questions discussed, and I think that an Advisory Council, constituted on the lines as sketched above and a more numerous Legislative Council with somewhat extended duties, will go far towards furnishing Government with the sought-for medium by which to ascertain the general opinion and aspirations, and the public a valuable means of placing its views and wishes before the Government.

ENCLOSURE No. 17.

Statement of the Alterations proposed in the Regulations relating to the Burma Legislative Council.

I. It is proposed that the following Regulations should be made by the Governor-General in Council under the provisions of section 1, sub-section (4), of the Indian Councils Act, 1892, as to the conditions under which nominations of Members of Council shall be made by the Lieutenant-Governor of Burma for his assistance in making Laws and Regulations.

Note.—With regard to the question of increasing the number of Members of the Burma Legislative Council, it is noted that section 1, sub-section (2), of the Act of 1892, authorising the Governor-General in Council to increase the number of Members who may be nominated by the Lieutenant-Governors of Bengal and of the North-West Provinces and Oudh respectively, contains no similar express provision in respect of the Legislative Council of Burma.

Regulations under section 1 (4) of the Indian Councils Act, 1892, for Burma.

1. The Lieutenant-Governor of Burma has been authorized by the Proclamation of the Governor-General in Council, No. , dated the , to nominate fifteen Councillors, of whom not more than eight shall be officials.

2. The nomination of a European Councillor to one seat shall be made by the Lieutenant-Governor on the recommendation of the Burma Chamber of Commerce.

3. The nomination of another European Councillor shall be made by the Lieutenant-Governor after consultation with the Rangoon Trades Association, the Commissioners for the Port of Rangoon, and the Municipal Committees of Rangoon, Mandalay, Moulmein, Akyab, and Bassein.

4. The Lieutenant-Governor may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall, in his opinion, secure a fair representation of the different classes of the community.

5. When a vacancy occurs and is to be filled under Rule 2 of these Regulations, the Lieutenant-Governor shall cause the Burma Chamber of Commerce to be requested to recommend a person for nomination by the Lieutenant-Governor.

6. If within two months after receiving the request of the Lieutenant-Governor as provided by Rule 5 the Burma Chamber of Commerce fails to make a recommendation, the Lieutenant-Governor may nominate at his discretion any person he chooses.

7. If the Lieutenant-Governor shall decline to nominate any person who has been recommended for nomination under Rule 2 of these Regulations, a fresh request shall be issued as provided in Rule 5, and the procedure laid down in Rule 6 shall apply.

II. It is further proposed that, in exercise of the powers conferred by section 2 of the Indian Councils Act, 1892, and with the previous sanction of the Governor-General in Council, the following rules should be made by the Lieutenant-Governor of Burma authorizing, at any meeting of the Burma Council for the purpose of making Laws and Regulations, the discussion of the annual financial statement of the Government of Burma and the asking of questions in the Council:—

Rules under section 2 of the Indian Councils Act, 1892, for Burma.

I.—PRELIMINARY.

1. In these rules—

"Council" means the Council of the Lieutenant-Governor of Burma assembled for the purpose of making Laws and Regulations.

"Member" means a Member of the Council of the Lieutenant-Governor for making Laws and Regulations.

"Secretary" means the Officer appointed by the Lieutenant-Governor to perform the duties of Secretary to the Council.

II—Rules for the Discussion of the Financial Statement.

2. The financial statement of the Government of Burma shall be explained in Council every year, and a printed copy given to each Member. Separate explanations shall be given of the diffierent heads or groups of heads of the statement.

3. After the explanation of any portion of the statement has been made, each Member shall be at liberty to offer any observations he may wish to make on that portion of the statement.

4. The Member who explained the portion of the statement shall have the right of reply, and the discussion shall be closed by the Lieutenant-Governor or, in his absence, the Member presiding under section 45 of the Indian Councils Act, 1861, making such observations, if any, as he may consider necessary.

5. After each portion of the financial statement has been separately discussed in the manner aforesaid, the statement as a whole shall then be brought under discussion in Council. Each Member shall be at liberty to offer any observations he may wish to make on the statement as a whole; the Member or Members who explained the statement or any portion of the statement shall have the right of reply; and the discussion shall be closed in the manner provided in the last preceding rule.

6. The discussions will be limited to those branches of revenue and expenditure which are under the control of the Local Government; it will not be permissible to enter upon a criticism of Imperial finance.

III.—Rules for Asking Questions.

7. No question shall be asked or answered in the Council of the Lieutenant-Governor at a meeting of the Council for the purpose of making Laws and Regulations, as to any matters or branches of the Administration other than those under the control of the Lieutenant-Governor; and, in matters which are or have been the subject of controversy between the Governor-General in Council or the Secretary of State and the Local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

8. Except as provided above, any question may be asked by any Member subject to the following conditions and restrictions.

9. A member who wishes to ask a question shall give at least six clear days' notice in writing to the Secretary of the Council, submitting in full the question which he wishes to ask.

10. Questions must be so framed as to be merely requests for information, and must not be in an argumentative or hypothetical form or defamatory of any person or section of the community.

11. The Lieutenant-Governor may disallow any question without giving any reason therefor other than that, in his opinion, it cannot be answered consistently with the public interests; and in such case, the question shall not be entered in the Proceedings of the Council.

12. The Lieutenant-Governor may, if he thinks fit, allow a question to be asked with shorter notice than six days, and may in any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

13. When the Lieutenant-Governor has permitted the question to be asked, it shall be entered in the Notice Paper for the day, and questions shall be put, in the order in which they stand in the Notice Paper, before any other business is entered upon at the meeting.

14. A question shall be read by the Member by whom it was framed or, in his absence, if he so desires, by some other Member in his behalf, and the answer shall be given either by the Lieutenant-Governor or some other Member whom he may designate for the purpose.

15. The Lieutenant-Governor or, in his absence, the Member presiding under section 45 of the Indian Councils Act, 1861, may rule, at his discretion, that an answer to a question on the Notice Paper, even though the question be not put, shall be given on the ground of public interests.

16. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

17. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

XXII

1205

No. 946 C.

FROM

THE HON'BLE MR. P. C. LYON, C.S.I., I.C.S.,
CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN
BENGAL AND ASSAM,

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Camp Dacca, the 14th March 1908.

SIR,

I AM directed to reply to your letter No. 2316, dated Simla, the 24th August 1907, on the subject of Advisory Councils, and the measures to be adopted for the improvement of Legislative Councils.

2. Opinions have been called for from a very large number of officers and others, and their replies are submitted as an appendix to my present letter. These replies show an extraordinary amount of difference of opinion in the views held by the officers and gentlemen consulted. The Lieutenant-Governor finds himself unable to agree entirely with any single adviser, though there is much which he admits is entitled to consideration in a large number of the opinions which have been submitted. At the same time, the constitution-monger will find in these opinions ample support for almost any scheme which he may wish to put forward, but the Lieutenant-Governor has no wish to dabble in constitution making experiments. In the absence of experience, a large number of the proposals are of the nature of a leap in the dark, and it is impossible to place any great reliance on the opinions of those who suggest them as to the effect which is likely to follow from their adoption. Under these circumstances, the Lieutenant-Governor considers that the necessity of very cautious measures, and of following approved and tried lines, is clearly indicated. It will be extremely difficult to withdraw privileges which have once been given, and it seems, therefore, of the utmost importance to advance with extreme care and by only very gradual steps.

3. It seems to Sir Lancelot Hare that the problem will be best dealt with by first fixing certain essential conditions, and laying down the principles which must be observed. He would then indicate how he would apply those principles. He will reverse the order adopted in the Government of India's letter, and proceed from the lowest local bodies to the Supreme Councils, instead of dealing first with the Government of India's Councils.

4. The first essential which appears to the Lieutenant-Governor is that laid down in the letter under consideration, namely, that it is absolutely necessary for the Government to retain a majority in its Legislative Councils. It has been suggested by not a few officers that Government need not insist upon this numerical official majority, but in this view the Lieutenant-Governor does not at all agree. The first necessity of Government is that it must be able to govern. It is not enough that Government should be able to veto. It must, when necessary, be able to pass such legislative measures as it considers to be absolutely necessary in the face of any opposition which may be brought against it. It may be hoped that it will rarely be necessary for Government to exercise these powers, but have them it must. It is possible to give an example. The recent legislation in connection with the unrest could never have been passed in the teeth of a popular assembly, and such cases may recur. For instance, the Lieutenant-Governor is clearly of opinion that legislation will be necessary to fix the responsibility of newspaper editors and printers, and to give power to confiscate presses and newspaper stock under certain circumstances, and to prevent the scandal that the law only enables us to punish the printer, who is a mere tool. Again it is easy to see that in all sorts of questions it may be quite inadequate for Government to have the power only to apply the brake, and not to be able to supply the moving power. This power of a majority in Council must, no doubt, be exercised with the greatest moderation and statesmanlike reserve, but it cannot possibly be dispensed with.

The suggestion that Government officials might be given double votes, or a possible alternative that they might be allowed to vote by proxy and not generally be summoned to the Council, must also be brushed aside as unpractical and untenable.

Sir Lancelot Hare is wholly in accord with the views of the Government of India on this matter of a Government majority, and he recognises the consequent limitation of the size of the Legislative Councils. So long as useful Government officials, who will bring to bear special experience calculated to be of value and assistance, can be provided, the Councils can be enlarged so as to admit an increasing number of non-official members representing special interests. It is possible that some relief might be afforded to Government officials by allowing their absence when only non-contentious matter is to be brought before the Council.

The argument that is advanced that unless some power is given to the non-official representatives in Council people will not be willing to come forward and advise because they cannot be sure that their advice will be adopted, cannot be accepted. Such a position is wholly untenable, and if the power on the part of the non-official membe s to enforce their advice is a necessary condition of legislative assemblies with non-official members, then such councils must be abandoned, lamentable as such a result would be.

Before leaving this subject, Sir Lancelot Hare would observe that even the Extremists do not probably contemplate making the Government merely ineffective. It seems to be rather their intention to transfer the Government to themselves. It is certain that if they could succeed in this endeavour, they would not allow, any more than the present Government would allow, their power to be blocked in any eventuality. The only way that it seems to be possible for the Indian voice to get more effective representation of the kind asked for is to take more Indians into the Government, and this is being done quite as fast as they are showing capacity for such employment.

5. The next point which His Honour considers it necessary to decide is whether there is any real demand for democratic representation on European or "Manhood Suffrage" lines. Sir Lancelot Hare is of opinion that there is no true demand for anything of the kind. Even the Extremists only appeal to such methods in the confidence that with their superior organisation and intelligence they would be able to manipulate the elections to suit themselves. It is not difficult to raise a racial antipathy or hatred by slander, or misrepresentation, but this is a very different matter from establishing a confidence on the part of the masses in the integrity of the Extremists, and a belief that they can look for a better government at their hands than from the present Government. In this Province the Muhammadans have a very profound distrust of the Hindus, whom they see at every turn exploiting them for their benefit, whether as landholders, as mahajans, as money-lenders, or in every turn of life, where the Muhammadans are, so far as the Hindus find it possible, shut out from lucrative employment. The principal weapon,—the boycott of European goods,—is an intensely selfish method by which the agitators compel the poorer people to pay the cost of the pressure they wish to bring to bear upon the Europeans, and it is carried out by tyranny and oppression, and utterly regardless of the cost to the poorer classes, who are made to pay. The Hindus frequently also treat the Muhammadans with great contumely and contempt.

Sir Lancelot Hare considers it a wise measure to widen the Councils by admitting representatives of additional and hitherto unrepresented interests which are of admitted importance, and who have expressed their wish for representations. He does not, however, consider it necessary to move in advance of such expressed wish. It is also his opinion that, where such interests are admitted to representation, it is desirable as far as possible that the representatives should be self-elected, rather than nominated by Government. As to the manner of representation and the election of their representatives, he would be inclined as far as possible to allow the interests concerned to follow out their own methods, and would only interfere so far as may be absolutely necessary in order to assure fairness or to meet the case of a dead block. Thus for instance, in regard to trade representation. In this province there was at first only the Naraingan] Chamber of Commerce, and they were allowed to elect a representative. Now the Chittagong Chamber of Commerce has been started, and other Chambers may be started at other large centres, such as Chandpur and Sirajganj. Each Chamber as it comes into existence and proves its weight and importance may claim a share in the one member which is all that at present can be given to trade. If they arrange to combine their interests and elect a common representative on a fair basis, Government need not interfere. It is only necessary to interfere if an important section of the interest is being denied representation by those who are already in possession.

It would be far better to allow each important interest as far as possible to work out its own system of representation, and so leave this matter to follow out its own natural development on its own lines, rather than to fetter it unduly by arbitrary rules which might be unsuitable, and which would hamper the natural growth of association of those holding similar interests. The importance of these considerations comes into view when we consider how, for instance, the landed interest of this Province should be represented. Instead of forming artificial electoral colleges, such as suggested in the letter under reply, or laying down rules as to the amount of land revenue or road cess which must be held to qualify for a vote, Sir Lancelot Hare would prefer to allow the self-constituted landholders' associations to frame their own rules for the selection of representatives, only reserving the right to interfere and frame rules if the interest itself is unable to come to a fair and equitable agreement.

6. The Lieutenant-Governor has considered whether the Municipal and Local and District Boards Councils of this Province should be elected on a revised system such as that suggested in the letter under reply. On the whole, he is of opinion that it is not necessary to form electoral classes or colleges on the basis of race, caste or religion, or on the basis of occupations, such as landholders, cultivators, traders, and professional men. These proposals are put forward in the interest of minorities who might otherwise be excluded and receive no representation. In Eastern Bengal, where the Muhammadan voters largely exceed the Hindu voters, it is not necessary to adopt such a measure in order to protect the Muhammadan voters, and it does not appear that the Hindus are at all desirous of such a measure. The Hindus have, under the present system, secured a more than proportional share of representation, and though it is true that certain Muhammadans have expressed their views in favour of such a measure, it is easy for them to protect themselves if they wish to do so by attendance at the voting poll. It is due to the apathy of the Muhammadan voter that he has not secured representation in proportion to his numbers, and it would seem better to advise him to show more activity in exercising the powers that he possesses than to protect him by such a measure as is under consideration. It may be further noticed that the adoption of such a rule would certainly be held by the Hindus to be a measure adverse to themselves, and in the absence of any very strong demand by the Muhammadans for such protection, it does not seem to the Lieutenant-Governor advisable to adopt such a measure.

7. In regard to the division by occupations, there is only one Municipality in the town where a trade occupation is very inadequately represented, and its fuller representation appears to be a measure of considerable importance. This Municipality is Narainganj, where the income of the Municipality is principally derived from the business premises of the jute traders. Here it would, in the opinion of the Lieutenant-Governor, be fair and reasonable that the jute interest should have special representation, and some proposal to secure this may have to be submitted, but in ordinary Municipalities and District and Local Boards no division by occupation appears to be necessary. The Lieutenant-Governor is, therefore, not in favour of making such a change as has been suggested. Nor does he think it necessary to raise the limit of taxation which will qualify for a vote. The limit is certainly extremely low, but it does not appear that any serious consequences have resulted. It might, perhaps, be desirable that powers should be given to the Local Government to deal with any case of corruption or bribery at an election which might be found to arise.

8. I am next to consider the enlargement of the Legislative Council of this Province. The Lieutenant-Governor considers that there are several interests which should receive further representation. The official membership could be increased by five members, and this would be as much as this Government could conveniently spare for the purpose, but this number could be supplied from Commissioners and heads of Departments and Secretaries not already in the Council, and would form a valuable addition to the strength of the Council.

The interests which require more representation in this province are the Muhammadan interest, the landed interest, the tenant or rayatwari interest, tea and trade, and a fuller or more frequent representation of the District Boards and Municipalities. As regards the tenant interest, this is not yet organised, and it can only be represented by nomination. It is exceedingly difficult to find a representative nominee.

There are not wanting signs that other interests will force themselves on the notice of Government. Such are the interests of the lower Hindu castes, as, for instance, the Namasudras, who numerically represent by far the larger number of Hindus, who are beginning to organise, and who have submitted class representations to Government. The Assamese again are in interest somewhat apart from

other interests in this Province. Unfortunately they have at present no immediate representative, as their division is not the one at present represented in Council by District Boards or Municipalities under the system of rotation, and this has caused some dissatisfaction. It will generally be well to give them special representation in the years when they do not secure representation by rotation.

9. The definite proposals which the Lieutenant-Governor puts forward are that the nominations under Rule II of Government of India Notification No. 3339, dated Simla, the 16th October 1905, should be augmented as noted below:—

Group A (Municipalities).—One more representative.

Group B (District and Local Boards).—One more representative.

Group C (Associations of landholders and others).—One more representative.

At present the provincial Muhammadan Association of Eastern Bengal and the Eastern Bengal Landholders' Association exercise the privilege in turn. The Lieutenant-Governor would give them each a representative.

Group D (Associations of Merchants).—One more representative.

At present the tea and jute trades share one representative between them. The Lieutenant-Governor would give a representative to each.

The Lieutenant-Governor would add one representative to the two at present reserved for nomination under Rule III of the same Notification.

10. Next, to consider the Imperial Legislative Council. The Lieutenant-Governor accepts generally the proposals contained in the letter under reply. As regards this Province, one member would be elected by the non-official members of the Provincial Council, one member representing the Landholders' Association of Eastern Bengal, and one representing the Provincial Muhammadan Association. He would permit the Landholders' Association and the Provincial Muhammadan Association in the first instance to make their own arrangements for electing their representative. One official representative of this Province would presumably also be placed on the Council.

An important interest which ought to be represented on the Imperial Council is the tenant interest, but in the absence of an organised tenants' association, this can only be supplied by direct nomination.

Other important interests which the Lieutenant-Governor would be glad to see represented on the Imperial Council would be the tea and jute industries of this Province, which are represented by the Chambers of Commerce and the Tea Association, respectively.

In this Province, Eurasians do not constitute so large a body as to be entitled to separate representation, but they might combine with other provinces through the medium of recognised Eurasian Associations.

11. To return now to the question of Advisory Councils. The Lieutenant-Governor approves of Advisory District Councils, but they should be, in fact, what their name implies, and should consist of persons invited by the District officer to assist him with their advice. They should represent all important interests in the district and their selection should, as far as possible, be made by the Associations representing those interests with the approval of the District Officer. They should have the right of interview at fixed and suitable times, and of privately addressing the District Officer in the interests of their constituencies, but should have no right to insist on collective discussion of any subject at an authorised meeting. The District Officer would also fix the times and dates for every meeting. The District Officer should have full power to decide on the subjects for discussion at such meetings, and fix the agenda for every meeting, though any one would be at liberty to suggest to the District Officer subjects for discussion at such meetings.

Honours could be conferred on the members of such a council, who might be titled "District Councillors" or "District Privy Councillors" and they might be exempted from the provisions of the Arms Act.

12. As regards a Provincial Advisory Council, the Lieutenant-Governor is rather doubtful whether such a council could be very easily got together. The expense and labour of attending would be considerable if members came from distant places and it is clear that the meetings of such a council could not be very frequent. Possibly one representative from every district council might be elected by the members of the district council and would be willing to represent the special interests of his own district. Representatives of other interests might also be invited to attend. The members of the Legislative Council would from the nucleus of such a council.

13. As regards the Imperial Advisory Council the representatives from this Province would not be very numerous, say, 6 or 7, or perhaps fewer—out of the 40 members other than Ruling Chiefs. The Landlords' Association, the Provincial Muhammadan Association, trade and Commerce, the tea and jute industries of this Province could furnish members for such a council, and if more representatives were required the Provincial Advisory Council and the District Advisory Council would put forward other persons for domination by the Viceroy.

14. As regards the discussion of the Budget in the local council, His Honour is in agreement with the remarks in paragraph 33 of the letter under reply.

I have the honour to be,

SIR,

Your most obedient Servant,

P. C. LYON,

Chief Secretary to the Government of Eastern Bengal and Assam.

ADVISORY AND LEGISLATIVE COUNCILS.

Statement showing the position and status of the several officers and gentlemen who have been consulted.

Page.	Name.	Status and position.
1	2	3
1	Eastern Bengal Landholders' Association	Chandra Kumar Datta, Secretary.
3	Assam Association	Manik Chandra Barua, Secretary.
5	Provincial Muhammadan Association	The Hon'ble Syed Nawab Ali Chaudhuri Khan Bahadur, Secretary. Member of Legislative Council, Eastern Bengal and Assam.
7	Indian Tea Association	H. M. Haywood, Secretary.
9	Assam Branch, Indian Tea Association	M. M. Hadow, Secretary.
11	Surma Valley Branch, Indian Tea Association.	The Hon'ble Mr. W. T. Cathcart, Chairman. Member of Legislative Council, Eastern Bengal and Assam. Tea planter.
13	Dooars Planters' Association	A. W. C. Chaplain, Chairman.
15	Chamber of Commerce, Narayanganj	R. Glen, Honorary Secretary.
17	Chamber of Commerce, Chittagong	J. L. Brown, Secretary.
19	Commissioners for the Port of Chittagong	H. Luson, I.C.S., Chairman.
21	W. B. Brown, I.C.S.	Judge, Assam Valley Districts.
23	E. G. Drake-Brockman, I.C.S.	Judge, Dacca District.
25	E. H. Cuming, I.C.S.	Judge, Tippera District.
28	B. K. Mullick, I.C.S.	Judge, Chitagong District.
31	A. Majid P.C.S.	Judge, Rajshahi District.
33	H. Luson, I.C.S.	Commissioner, Chittagong Division. Chairman, Port Commissioners, Chittagong.
37	F. C. Henniker, I.C.S.	Commissioner, Rajshahi Division.
39	F. W. Strong, I.C.S.	Collector, Dinajpur district.
40	J. F. Gruning, I.C.S.	Deputy Commissioner, Jalpaiguri district.
41	S. C. Mukharji, I.C.S.	Collector, Pabna district.
42	J. C. Arbuthnott, I.C.S.	C.I.E. Member of Legislative Council, Eastern Bengal and Assam. Commissioner, Surma Valley and Hill Districts.
44	H. A. Colquhoun, I.C.S.	Deputy Commissioner, Sylhet.
45	F. C. French, I.C.S.	Deputy Commissioner, Cachar.
47	Hari Charan Das	Government Pleader, Cachar.
49	Syed Abdul Majid	Chairman, Sylhet Municipality.
51	Major H. W. Cole, I.A.	Superintendent, Lushai Hills.
53	Kamini Kumar Chanda	Vakil.
59	F. J. Monahan, I.C.S.	Commissioner, Assam Valley Districts.
63	Manik Chandra Barua	Secretary, Assam Association.
67	Major D. Herbert, I.A.	Deputy Commissioner, Kamrup.
72	A. W. Botham, I.C.S.	Deputy Commissioner, Sibsagar.
73	Lieutenant-Colonel A.E. Woods, I.A.	Deputy Commissioner, Lakhimpur.
74	Major H. M. Halliday, I.A.	Deputy Commissioner, Darrang.
75	Muhammad Ali Nawab	Khan Bahadur. Zamindar, Tippera district.
76	Bar Library, Barisal	Chandra Mohan Chatarji, pleader, Honorary Secretary.
77	District Board, Dacca	B. C. Allen, I.C.S., Collector, Chairman.
78	Ditto, Mymensing	L. O. Clarke, I.C.S., Collector, Chairman.
80	Ditto, Backergunj	R. B. Hughes-Buller, I.C.S., Collector, Chairman.
84	Ditto, Chittagong	P. G. Rogers, I.C.S., Collector, Chairman.
86	Ditto, Noakhali	Nabin Chandra Das, Chairman.
87	Ditto, Rangpur	J. Vas, I.C.S., Collector, Chairman.
89	Ditto, Dinajpur	F. W. Strong, I.C.S., Collector, Chairman.
91	Ditto, Tippera	A. H. Clayton, I.C.S., Collector, Chairman.
92	Municipality, Rangpur	Sarat Chandra Chatterji, Chairman.
94	Ditto, Dacca	Khan Bahadur Khajeh Muhammad Yusuff, Chairman.
100	Ditto, Narayanganj	G. Morgan, Jute Merchant, Chairman.
101	Ditto, Barisal	Rajani Kanta Das, Chairman.
103	Ditto, Mymensingh	Shama Charan Ray, Chairman.

Statement showing the position and status of the several officers and gentlemen who have been consulted—continued.

Page.	Name.	Status and position.
1	2	3
105	Municipality, Rampur Boalia . . .	Bhuban Mohun Maitra, Chairman.
106	Ditto, Chittagong . . .	E. A. W. Hall, Lieutenant-Colonel, I.M.S., Chairman.
107	Ditto, Gauhati . . .	Azahar Hussain, Vice-Chairman.
109	H. Savage, I.C.S.	C.S.I. Member of Legislative Council, Eastern Bengal and Assam. First Member, Board of Revenue, Eastern Bengal and Assam.
112	C. R. Marindin, I.C.S.	Member, Legislative Council, Eastern Bengal and Assam. Second Member, Board of Revenue, Eastern Bengal and Assam.
116	Khwaja Salimulla of Dacca . . .	Nawab Bahadur, C.S.I. Member of Viceroy's Council. Member of Legislative Council, Eastern Bengal and Assam.
118	Girija Nath Ray	Maharaja Bahadur. Member of Legislative Council, Eastern Bengal and Assam. Maharaja of Dinajpur.
122	R. H. Henderson	C.I.E. Member of Legislative Council, Eastern Bengal and Assam. Tea planter.
123	Dulal Chandra Deb	Rai Bahadur. Member of Legislative Council, Eastern Bengal and Assam. Government Pleader, Sylhet.
127	Sita Nath Ray	Rai Bahadur. Member of Legislative Council, Eastern Bengal and Assam. Zamindar and Banker.
133	Syed Nawab Ali Chaudhuri . . .	Khan Bahadur. Member of Legislative Council, Eastern Bengal and Assam.
138	Khwaja Muhammad Ashgar .	Member of Legislative Council, Eastern Bengal and Assam.
140	V. Woods	Member of Legislative Council, Eastern Bengal and Assam. Agent, Assam-Bengal Railway.
142	W. Teunon, I.C.S.	Member of Legislative Council, Eastern Bengal and Assam. Officiating Legal Remembrancer to Government.
145	W. T. Cathcart	Member of Legislative Council, Eastern Bengal and Assam. Tea planter.
147	Municipality, Dinajpur . . .	Jogindra Chandra Chakravarti, Vice-Chairman.
150	Chamber of Commerce, Bengal . .	H. M. Haywood, Secretary.
155	J. E. Webster, I.C.S.	Judicial Secretary to the Government of Eastern Bengal and Assam.
157	L. O. Clarke, I.C.S.	Collector, Mymensingh district.
159	H. LeMesurier, I.C.S.	C.I.E. Commissioner, Dacca Division.
162	R. B. Hughes-Buller, I.C.S. . .	Collector, Bakarganj district.
165	B. C. Allen, I.C.S.	Collector, Dacca district.
168	J Donald, I.C.S.	Collector, Faridpur district.
170	Suresh Chandra Singha, P.C.S. . .	Rai Bahadur. Subdivisional Officer, Munshiganj, Dacca district.
171	Municipality, Faridpur . . .	Ambica Charan Mozumdar, M.A., B.L., Chairman.
172	Bar Library, Dacca	M. K. Ghosh, pleader, Secretary.

Statement showing the position and status of the several officers and gentlemen who have been consulted.—concluded.

Page.	Name.	Status and position.
1	2	3
174	Hemayet-uddin Ahmed . . .	Pleader, Barisal.
176	Jogendra Kishore Rai Chaudhuri . .	Rai Bahadur. Zamindar, Mymensingh district.
177	Jagat Kishore Acharjee . . .	Zamindar, Mymensingh district.
178	Anath Bandhu Guha . . .	Pleader and Zamindar, Mymensingh district.
180	Rai Parvati Sankar Chaudhuri .	Zamindar, Dacca district.
182	Muhammad Ismail	Pleader, Mymensingh.
184	Bar Library, Sylhet	Harendra Chandra Sinha, pleader, Secretary.

No.

FROM

BABU CHANDRA KUMAR DATTA,
HONORARY SECRETARY, EASTERN BENGAL LANDHOLDERS' ASSOCIATION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, the 1st December 1907.

SIR,

IN accordance with the desire of Government, conveyed through your letter of the 10th October 1907, forwarding a copy of a letter, No. 2310-2317, dated the 24th August 1907, of the Government of India in the Home Department, on the subject of the Imperial and Provincial Advisory Councils, the enlargement of the Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the budget, I beg respectfully to give below the decisions we arrived at in regard to the aforesaid letter of the Government of India, at a meeting of the Committee of the Association held on the 26th instant.

Imperial Advisory Council.

(1) We consider it necessary that the Councillors should be vested with the power, or have the permission, of at least reporting an offering, of their own initiative, their opinions on the needs and sentiments of the people and on other matters of considerable importance to their own province.

(2) We are of opinion that the Council should include among its members a few representatives of the leading and learned class.

Local Advisory Council.

(1) We consider that, irrespective of whether the size is greater or smaller than that of the Imperial Advisory Council, the Provincial Advisory Council must needs have sufficient number of members, besides those nominated from the landed and professional classes, to admit of due representation from all the districts, so that Government may, at all times, be acquainted with the true state of affairs in each district. Each district has its peculiar usage and custom and should be represented separately. We presume that these private bodies will be more accessible to the people than the official ones, and Government will have the double advantage of receiving reports from the officials, as well as having a frank interchange of opinions with the people through these recognised bodies.

(2) As regards presiding over the deliberations of the Local Advisory Council, we beg to suggest that it be done by a non-official member to be elected president at the meeting.

Enlargement of the Imperial Legislative Council.

(1) We consider the amount of land revenue, making a person eligible for a seat, to be extraordinarily high, and propose that this be reduced to Rs. 5,000 only.

(2) We humbly beg to suggest that, while yet keeping a majority, Government be pleased to reduce the number of the official members.

Enlargement of the Provincial Legislative Council.

(1) We beg to suggest that the non-official members be given some additional powers over the distribution of the finance of the province, and that, similar to the procedure introduced by Sir Andrew Fraser in the Bengal Legislative Council, the financial questions be discussed informally before the final debate takes place.

(2) Both the Hindu and Muhammadan members of our Association apprehend that caste representation of the Hindus, as proposed by Government, will ultimately result in serious consequences. The instance may appear to be singular, but from time immemorial the higher classes have been given a predominance over the lower ones, and have had the privilege of a larger share in the administration of the country. In view of the constitution of the Hindu societies in India, such procedures will be disastrous to the Hindus and will interfere with their religion. The high castes, such as the Brahmans, Baidyas and Kyestha, constitute a handful minority of the entire Hindu population, and if such privileges are offered to the lower castes, such as Namasudras, Mahishayas, etc., it might bring revolution in the retire Hindu society. Under the existing rules, the deserving men, high or low, are never grudged, and instances have been that low caste men have secured high appointments and also seats in the Council. The Hindu religion binds the other castes to look upon the Brahmans with veneration, and demand the lower to respect the higher, and to give the lower castes an upper hand over the higher ones, by established regulations, is, on the part of Government, laying hands on the Hindu religion which is by no means desirable. We therefore pray that Government be pleased not to break this long-established order and deprive the higher class of the prominence they deserve.

(3) As regards the District Boards having failed to represent the landed interest, we admit that it is due to some extent to the apathy of the zamindars in getting themselves elected, as many of them are under the impression that their interests are being properly represented.

(4) Our Association is of opinion that the zamindars should be elected and by the landed class, and not nominated as suggested by Government.

I have the honour to be,

SIR,

Your most obedient Servant,

CHANDRA KUMAR DATTA,

Honorary Secretary, Eastern Bengal Landholders' Association.

No.

FROM

MANIK CHANDRA BAROAAH,

GENERAL SECRETARY, ASSAM ASSOCIATION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Gauhati, the 28th November 1907.

SIR,

I HAVE the honour to acknowledge the receipt of your letter No. 11535C., dated the 10th October 1907, forwarding a copy of the communication No. 2316 (Public), dated the 24th August 1907, from the Government of India, Home Department, on the subject of formation and enlargement of Councils, and asking for an expression of the opinion of my Association on the points raised in the letter under reply.

The best thanks of my Association are due to Government for giving them an opportunity of expressing their views on such an important subject, and they are deeply grateful to Government for having approached the consideration of the question in a very sympathetic spirit and with a sincere desire to satisfy the just and legitimate aspirations of the people.

After having very carefully considered all the important issues involved in the question, they desire me to submit the following representation to the favourable consideration of Government :—

Imperial Advisory Council.

(1) This important concession granted by the Government will be appreciated by the nobility, gentry, and people at large with very grateful sentiments, as a further recognition of their just claims to share in administrative matters. While agreeing, in the main, with the views expressed by the Government of India in their letter under reference, my Association venture to think that in order to be popular, the Advisory Council should be representative of the people, and that all its members, with the exception of the twenty ruling chiefs, should be elected by their people. The elective principle has already been recognised by the Government and has produced excellent results. Whatever may be said against the fitness of the masses of the people for taking part in the actual work of administration, it must be allowed that, now with the spread of education amongst them and with the elective principle at work for the last 25 years, they may be depended upon to select their own representatives and to return none but their real and popular leaders to the Advisory Councils. The privilege of election will not only be greatly valued by the people as affording a scope to their legitimate aspirations for a voice in the government of their country, but will also better serve the purpose indicated in paragraph 3 of the India Government's letter under reference.

There may be a strong sentimental objection on the part of territorial magnates and zamindars to contest for a seat in an open election, but they cannot have any to being elected by men of their own class, and my Association would, therefore, suggest that the number of members required be distributed equally among all the provinces, and that territorial magnates and landholders formed into a class, public bodies representing large interests and not merely a class or clique, Municipalities and Local Boards in each province may be empowered to make the necessary elections.

On the very same grounds my Association hold that the opinions of the Councillors in a meeting assembled should be formally recorded, and as a general rule, published, subject to the provision that in exceptional cases His Excellency the Viceroy may, for reasons of the State, direct that their proceedings, or any part thereof, be treated as confidential and withheld from publication.

Publicity of the proceedings will bring home to the minds of the Councillors the responsibility of their position and at the same time it will leave no room for the intentions of the Government being misconstrued by the people at large.

The value of collective deliberations being already recognised by the Government, it is necessary that all important questions referred to the Imperial Advisory Council should be discussed only at a general meeting of the Councillors, and that they should formally meet at least once in a year, if not more frequently. It is also desirable that they should be allowed to elect nine of their members, one from each province and two to represent the minorities and backward provinces, such as Assam and Orissa, to represent them at the Imperial Legislative Council.

Provincial Advisory Councils.

(2) The above remarks also apply to the constitution of these Councils. At present the number of members for each Council has not been fixed, but speaking for the province of Eastern Bengal and Assam, my Association would suggest that the number should be 30, 10 to be nominated by the Government, 2 from each division, and the remaining 20 to be equally divided among all the divisions and elected in the manner stated above.

(3) With regard to the constitution of the Imperial Legislative Council, my Association desire respectfully to point out that even under the present system the four Provincial Councils of Bombay, Madras, Bengal, and the United Provinces elect one member each to the Imperial Council. Accordingly, with the enlargement of the latter Council, it will become necessary that they should elect more members in order to be as adequately represented as at present. It is therefore to be hoped that the number of non-official members to be elected by the Provincial Councils be raised to fourteen, that is to say, each of the Provincial Councils be allowed to elect two members instead of one, it being understood that, of the two members from the Council of Eastern Bengal and Assam, one should be either elected by the Assamese members on the Council or nominated from among them by His Honour the Lieutenant-Governor.

By allowing all the interests to be fairly represented in the Council, Government may maintain a strong official majority, in the best way they think proper.

Provincial Councils.

(4) As no definite scheme has, in view of great variety of conditions in different parts of India, been laid down by the Government of India, my Association think it presumptuous on their part to formulate a scheme of their own, and they will therefore confine their remarks to the proper representation of their own division. They fully agree in the views expressed in the Government of India's letter that, as regards the Municipalities and Local Boards, the qualifications required both for electors and candidates are very low, and they would here take the liberty of strongly condemning the system introduced by Sir B. Fuller, of giving the *gaonboorahs* the monopoly of voting for members elected for Local Boards. For electors, my Association would propose all landholders paying an annual revenue of Rs. 100 or upwards, persons paying an income-tax, and schoolmasters or pandits drawing a pay of Rs. 20 and upwards a month. For candidates, landholders or zamindars paying an annual revenue of Rs. 500 or upwards, lakhirajdars or proprietors of fee-simple grants holding not less than 300 acres of land, persons paying an income-tax of Rs. 50 and upwards, first grade pleaders, Honorary Magistrates, and graduates of not less than five years' standing.

A similar system can, my Association believe, be adopted as regards the Municipalities, but that a lower scale of yearly payment of taxes, *i.e.*, Rs. 10 or upwards, for an elector and Rs. 30 or more for a candidate, should be prescribed.

The Municipalities and Local Boards either alternately or both together, the zamindars of Goalpara and the Tea Planting Community alternately, should, my Association respectfully submit, be given the privilege of returning a member each to the Provincial Council. These two members and another from our Association should be able to represent truly the interests of Assam, and my Association venture to hope that the Government will be graciously pleased to give them the full advantages of the opportunity that has occurred.

Regarding the discussion of budget in the Legislative Council, all my Association desire to stay is, that members should have access to all the figures and proposals contemplated by Government before the budget is framed, or it would be useless, as is the case now, to discuss a budget that has already been settled.

I have the honour to be,

SIR,

Your most obedient Servant,

MANIK CHANDRA BAROAAH,

General Secretary, Assam Association.

No.

FROM

SYED NAWAB ALY,

SECRETARY TO THE PROVINCIAL MUHAMMADAN ASSOCIATION, EASTERN BENGAL AND ASSAM,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, the 30th November 1907.

SIR,

I AM directed by the Committee of the Provincial Muhammadan Association, Eastern Bengal and Assam, and the Anjumans in the Province affiliated to it, to acknowledge with thanks your No. 10219 C., dated Shillong, the 10th September 1907, forwarding a copy of the communication No. 2316 (Public), dated Simla, the 24th August 1907, from the Government of India in the Home Department, and inviting their opinion on the subject of the formation of the Imperial and Provincial Advisory Councils, the enlargement of the existing Legislative Councils, and the procedure to be adopted in discussing the Imperial and the Provincial budgets, and to submit the following opinion discussed and finally adopted at a meeting of the members held on the 29th November 1907.

Advisory Councils.

The Association is of opinion that the constitution of the Advisory Councils on the contemplated basis will be an inestimable boon conferred on the people by Government, as it will facilitate free intercourse of thoughts between the people and Government and bring them into closer touch. Under the existing system it has been invariably observed that even the beneficient and well-intentioned Government measures are looked upon with suspicion, and often misconstrued, resulting in the imperceptible but deplorable growth of disloyalty in the popular mind, and finally in the dissemination of sedition and disturbance of public tranquillity, but these Advisory Councils will, if not completely, in a considerable measure, tend to obviate the difficulties arising out of the mutual misunderstanding of aims and objects, affording, as it will do, an opportunity to the people of directly approaching the highest authority and representing their grievances through their natural leaders, who will as well be in a position to place before them a true exposition of the views of Government.

While highly approving the appointment of the Councillors by nomination, the Association begs to point out, with regret, that the hereditary Muhammadan leaders, though they may be men of education, are not generally versed in religious laws or in the social laws which are inseparably bound up with religion, and difficulties will in consequence be experienced in securing authenticated opinions on matters affecting such social or religious laws of the Muhammadans. It, therefore, humbly begs to suggest that the Council may include a proportionate number of the Motwallies of the *Khankhas*, the Shums-ul-ulams and the Maulanas who are admittedly men of culture and the best authorities in such matters.

As regards the number of Councillors in the Provincial Advisory Council, it considers that it should be fixed irrespective of the size of the Imperial Council. To make the scheme a complete success, it is essential that each district should have a member of its own to represent its interest and furnish Government with all information whenever called for. It is also higly desirable that when an important question is in issue the local authorities would invite these Councillors, who are in the confidence of Government, to friendly consultation and then decide on the course to be adopted. This course alone will contribute greatly to the efficient administration of the country and ensure peace and prosperity. The Association notes that the members of the Advisory Councils are not to be vested with formal powers of any sort; but without any encroachment on the absolute power of the Government may it venture to suggest that like the administrative authorities these private bodies be allowed to report, on their own initiative, on the needs and the grievances of the people and on other matters which they might consider to be of sufficient moment,—not

by way of interpellation, but in the shape of mere representation of facts submitted loyally for consideration of the Government should they deserve it. This privilege, the Association ventures to presume, will infuse into the Councillors themselves an idea of the responsibility of their high functions and enhance their importance to the public.

Enlargement of the Imperial Legislative Council.

The Association begs to offer its heartfelt thanks to the Government for the benevolent intention of securing a representation in the Council of all important classes and interests, as far as possible, and it expresses its deep debt of gratitude to His Excellency Lord Minto and shall ever cherish in memory his Government for the kind recognition of the legitimate claims of the Muhammadans. It is of opinion that the scheme is a decided improvement, and it is all that could be decided. It begs, however, to point out that the money qualification, as set forth therein, is far too high, for many of the Muhammadan territorial magnates, whose dignity and status rests not so much on wealth of which they are mostly destitute, as on their family traditions and noble name, will not be entitled to a seat. With a view to making it accessible to a sufficient number of Muhammadan gentry, it ventures to suggest that Rs. 25,000 be reduced to Rs. 5,000 only for the Imperial Council and Rs. 2,000 only for the Provincial.

Provincial Legislative Council.

The Association notes with the highest satisfaction that Government are desirous of introducing a system similar to the one prevalent in Rangoon and Mandalay with regard to the election of the Municipal and District Boards, and it is confident that it will suit the Muhammadans well. The Association, however, confesses that the Muhammadan community were full of apprehension as regards the constitution of the Provincial Legislative Councils under the new organisation,and it is gratifying to find that Government has made sufficient provision commensurate with their needs and aspirations. Under the old system the Hindus had virtually the monopoly of these elections for the simple fact that the zamindars are mostly Hindus and tenants, though the majority of them are Muhammadans, could not dare cross their landlords' will. The proposal which has now been made, namely, that the Muhammadans will exclusively vote for the Muhammadans is only just and fair. It highly appreciates the suggestion embodied in clause 22 which has its through approval.

In conclusion, it again begs to thank the Government for the consideration bestowed on the legitimate aspirations of the Muhammadans and for allowing them a wider scope in the legislation of the country.

I have the honour to be,

Sir,

Your most obedient Servant,

SYED NAWAB ALY,

Secretary to the Provincial Muhammadan Association,

Eastern Bengal and Assam.

No. 26—0.

FROM

H. M. HAYWOOD, ESQ.,

SECRETARY, INDIAN TEA ASSOCIATION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Calcutta, the 10th January 1908.

SIR,

I am now directed to address you with reference to your letter no. 12740C.* dated the 18th November 1907, in which you invite the views of the Indian Tea Association upon the proposals which have recently been made by the Government of India, for the formation of Advisory Councils and the enlargement of the existing Legislative Councils. The Committee do not propose to enter into any detailed criticism of the proposals of the Government of India; they heartily sympathise with the policy that has dictated them, although they do not agree that sufficient account is taken of the importance of the commercial interests of the county. But they desire to limit themselves to a discussion of the measures as they affect the Tea industry, and to suggestions as to the representation which it merits on the different Councils.

Letter no. 2310—17,* dated the 24th August 1907, from the Government of India, Home Department, to the Local Governments and Administrations.

2. The Committee think it well to preface their remarks with some statistics which will serve to indicate the importance of the industry. In the whole of India the quantity of land under actual tea cultivation was, in 1906, 531,808 acres, while the land occupied by planters, although not under tea, was 1,011,815 acres. The capital of the Joint Stock Tea Companies registered in India and in London amounts to nearly 22 crores of rupees, to which has to be added the large amount of private capital engaged; and all this capital is irrevocably sunk in the country. The figures of area for Eastern Bengal and Assam were in 1906, respectively, 423,828 acres under tea cultivation and 914,925 acres not under tea cultivation; and the number of persons in the province to whom direct employment is given on tea gardens approximates to half a million, exclusive of their dependents. It has to be remembered, too, that the industry gives rise to many other smaller trades, which entirely owe their prosperity to it. And it accounts for over 40 per cent. of the exports from the province according to value.

3. The Committee come now to deal with the suggestions of the Government of India in regard to the formation of Advisory Councils. With regard to the Imperial Advisory Council, they feel that matters affecting the industry they represent are bound to come under consideration from time to time, and they accordingly recommended that a representative of planting interests be given a seat on this Council. On the Provincial Advisory Council of Eastern Bengal and Assam they do not hesitate to ask for two representatives—one to be representative of the tea districts in the province, and the other to represent those who are responsible for the management of the industry in Calcutta, the nomination for the latter seat being entrusted to this Association. The reason the Committee have in making the recommendation is that, although the area under tea cultivation—so far as Eastern Bengal and Assam is concerned—lies within the limits of the province, the industry is very largely controlled from Calcutta; this being the case, it seems only reasonable that the Indian Tea Association should be represented on the Eastern Bengal and Assam Advisory Council, and therefore it is asked that one seat on the Advisory Council should be allocated to them. The representation of the local Branches of the Association and of the different planting organizations throughout the tea districts is equally important and one seat is accordingly asked for them.

4. The question of the representation of industry on the Legislative Councils now falls to be considered. The scheme suggested by the Government of India in paragraph 12 of their letter for the composition of the Imperial Council appears to the Committee to give altogether an inadequate number of representatives of non-official Europeans. They note with much satisfaction that as there outlined, the scheme is only tentative, and they strongly urge that arrangements should be made for a number of seats to be given to those engaged in commercial and industrial pursuits. The Committee foresee that it would be difficult to provide for a representative of this industry alone, but what they would respectfully suggest is that the Government of India should set aside one seat for a representative of the different planting interests in the mofussil.

5. With reference to the Eastern Bengal and Assam Legislative Council, the Committee desire to record their view that up to the present the claims of the tea industry for adequate representation have not been sufficiently recognised. The question has been the subject of correspondence between the Government of the Province and this Association in the past, but as yet the unanimous request of all connected with the industry for permanent representation has not been granted. The last representation of the Committee on this matter was submitted for the sympathetic consideration of the Government of India, but it was intimated that all interests could not then be provided for without unduly enlarging the Council. This opportunity is taken to urge most strongly that any scheme of enlargement should provide for two representatives of the industry: one of the seats, the Committee would ask, should be placed at the disposal of this Association, for the same reason as is indicated in paragraph 3 with regard to the Provincial Advisory Council, the other being given to a representative from the tea districts.

Letter no. 11781J. of 1st November 1906, from the Secretary to the Government of Eastern Bengal and Assam, to the Secretary, Indian Tea Association.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. HAYWOOD,

Secretary, Indian Tea Association.

No. 274—5.

FROM

M. M. HADOW, Esq.,

SECRETARY, ASSAM BRANCH, INDIAN TEA ASSOCIATION,

To

THE HON'BLE MR. H. LEMESURIER, C.I.E., I.C.S.,

OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM

Dated Dibrugarh, the 26th November 1907.

SIR,

IN continuation of this Association letter of the 14th October 1907, I have the honour to state that your letter No. 11537 C., of the 10th October 1907, forwarding copy of a communication from the Government of India, No. 2316 (Public), dated the 24th August 1907, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, was discussed at our annual general meeting held at Dibrugarh on the 12th November 1907. This Association wishes to associate itself with the representations on the above subject made by the Surma Valley Branch, Indian Tea Association and the Dooars Planters' Association.

It notes with regret that the general tendency of the tentative scheme propounded for the Imperial Councils is to Indianize them and, with due respect, submits that greater weight might be given to English capital and enterprize which has done, and is still doing, so much to build up the financial and commercial prosperity of the Empire.

It should be borne in mind that practically the entire capital of the industry (amounting to between 12 and 14 millions of pounds sterling) is irrevocably sunk in the country, and that the industry may fairly claim to be the greatest industry in India, holding as it does some 475,000 acres of land from Government, and being responsible for 49 per cent. of the exports of this province, amounting in value to 155·79 lakhs of rupees yearly.

Up to the present this industry has had to share a single seat in the Legislative Council of this Province with the Jute industry, whose commercial stake in the country, it is submitted, cannot be compared with Tea, as its conditions do not necessitate the taking up, or permanent holding of land or require the permanent investment of capital in the country.

This Association now trusts, with the expansion of Legislative Councils, that it may be possible to place two permanent seats on the Provincial Legislative Council at the disposal of the Tea industry, and further respectfully submits that the industry is fairly entitled to be permanently represented on the Imperial Legislative and Advisory Councils, and trusts that their claims to adequate representation will receive the sympathetic consideration that the importance of the industry demands.

I have the honour to be,

SIR,

Your most obedient Servant,

M. M. HADOW,

Secretary.

SURMA VALLEY BRANCH,

INDIAN TEA ASSOCIATION.

FROM

THE HON'BLE MR. W. T. CATHCART,
CHAIRMAN, SURMA VALLEY BRANCH,
INDIAN TEA ASSOCIATION,

To

THE HON'BLE MR H. LEMESURIER, C.I.E., I.C.S.,
OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

AMRAIL, SATGAON P. O.,

South Sylhet, the 10th October 1907.

SIR,

As requested in the Resolution (No. 10219 of date the 10th September 1907) issued by the orders of His Honour the Lieutenant-Governor, in reference to the Government of India communication (No. 2316 of date the 24th August 1907) on the subject of the formation of Imperial and Provincial Advisory Councils, and of the enlargement of the existing Imperial and Provincial Legislative Councils, I have the honour to submit on behalf of my Association the following opinion on the points raised in the above Government of India communication.

We observe with extreme regret that whilst it is proposed to increase the non-official representation on both the Imperial and Provincial Councils, that this increase appears to be entirely confined to Native representation, and while we gladly welcome a proposal which promises to the non-official classes a further share in the future legislation of the country, we would respectfully point out that unless the European non-official community be allowed to participate in the benefits of the increased representation, their position will be very much worse than at present. Further recent occurrences throughout India have been such as to cause non-official Europeans to look with the gravest uneasiness on a proposal to give an increased Native representation, without their being accorded a compensating equivalent, in consideration of the stake they have in this country, and the interests which they represent.

We would urge more especially the claim of the Tea Industry to an increased representation, it being not only the greatest industry of this province, but amongst the greatest in India. Its whole operations are carried on within this country, and it has perhaps a greater immoveable and vested interest than any other.

Thus any legislation affects it more closely than is the case as regards other industries, which rely, chiefly or in part, on India for the supply of their raw material alone. Further, there can be no question but that the Tea Industry in India has suffered much from want of representation in the past.

One of the greatest menaces to its prosperity in the future is the labour question, and many of us consider that this difficulty is greatly, if not entirely, due to faulty legislation in the past.

We may here contrast the position of Ceylon where the planting community have always had a share of representation proportionate to the interest which they represented in the Colony. There the Tea Industry has been fostered and aided by the Government of the Colony, and with the assistance of that Government a " Labour System " has been organized, which has made going to work on Ceylon tea estates extremely popular with the natives of Southern India, and has also immensely benefited the employers of labour in Ceylon. In India, where the " Planting interest " has been entirely unrepresented, little or no assistance has been given, and the Labour Acts have been burdensome alike to employer and employed. It is true that during the consideration of the last Labour Act (Act VI of 1901), one representative each from the Surma and Assam Valley was appointed to the Imperial Legislative Council for the purposes of that Bill, but a representative who is brought in thus for the consideration of an already drafted Bill can be of little real usefulness : he is not in touch with his colleagues, and the most he can hope to effect is the alteration of one or two clauses, which he may consider most hurtful in the Bill.

A permanent representative would, on the other hand, have the opportunity of suggesting beforehand a perhaps entirely different method of dealing with what the Bill was intended to amend.

It is for these reasons that we would earnestly urge that further representation should be given to the Tea Industry, and we would respectfully suggest that two members should be nominated by it, on both the Provincial Legislative and Advisory Councils, and that it should also have one representative on each of the Imperial Councils.

I have the honour to be,

SIR,

Your most obedient Servant,

W. T. CATHCART,

Chairman, Surma Valley Branch, Indian Tea Association.

DOOARS, PLANTERS' ASSOCIATION.

SAM SHING TEA ESTATE.

Chalsa Post Office, B. D. Railway.

FROM

A. W. C. CHAPLAIN, ESQ.,
CHAIRMAN, DOOARS PLANTERS' ASSOCIATION,

To

THE HON'BLE MR. H. LEMESURIER, C.I.E., I.C.S.,
OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

The 2nd November 1907.

SIR,

I have the honour to acknowledge receipt of your letter no. 11539 C., dated 10th October 1907, forwarding copy of the communication from the Government of India in the Home Department, no. 2316 (Public), dated 24th August 1907, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to the adopted in discussing the Imperial and Provincial Budgets, and inviting an expression of opinion from my Association on the above proposals.

2. In reply, I have the honour to inform you that on the 28th October 1907, a general meeting of my Association was held in Jalpaiguri to discuss the above proposals from Government, and after a full discussion I was requested to address you on the subject and to formulate the views of my Association for the consideration of Government.

3. The proposal now under consideration of Government is, we understand, to have 54 members of the Imperial Council, which shall consist of the Viceroy's 28 officials, 1 a Ruling Chief, 2 representatives of Calcutta and Bombay Chambers of Commerce, 7 members returned by the 7 existing Provinces or Provincial Legislatures, 7 representives of Indian Nobles and landholders, 2 Muhammadans, as such, 4 non-officials nominated by the Viceroy, of whom not less than 2 to be Muhammadans, and, when necessary, 2 experts selected by the Viceroy. These arrangements omit Trade Associations, Planting and Mill Industries altogether and give only 2 representatives to Commerce.

4. The details of Provincial Legislatures have been left for future elaboration, but may be expected to follow the principles on which the Imperial Legislature is to be based. These principles tend to restrict non-official representation on both the Imperial and Provincial Legislatures so as to practically exclude the planting and manufacturing industries, since their chances of nomination among District Boards and other rural bodies, who almost invariably nominate members of the legal and other professions, are usually swamped. Great producing industries, therefore, such as our own, on whom so increasingly large a share of the prosperity of the country, the wealth and comfort of large classes of the people, so directly depends, are thus left altogether unrepresented.

5. On the 14th May 1906 my Association addressed the Government of Eastern Bengal and Assam on the subject of the inadequate representation of the Tea Industry on the Provincial Council and expressed the alarm with which we viewed the rule stipulating that the Tea and Jute Industries were to share the privilege of nominating a representative, and that no provision was made for the permanent representation of the Tea Industry on the Council. The Government of Eastern Bengal and Assam in their reply sympathised with this feeling, but pointed out that the permanent representation of the Tea Industry on the Council was unfortunately, for the present, impossible, owing to the regulations passed by the Governor General in Council allowing of only one representative for both the Tea and Jute Industries.

6. The Government of India have now made further definite suggestions with regard to the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budgets. My Association therefore consider that a suitable opportunity has now been afforded of again opening the question of permanent representation of the Tea Industry on the Councils.

7. The Tea Industry of Eastern Bengal and Assam controls 914,925 acres the land, of which 423,828 acres are under tea cultivation, representing property of the aggregate value of not less than 25½ crores of rupees (£17,000,000). The value of the annual production of tea exceeds 10 crores of rupees, of which over 5 crores are spent in the province itself. The Industry affords regular employment to nearly half a million people and their dependents, is primarily responsible for many minor trades, industries and markets that have sprung up around it and is pre-eminently one of the chief civilizing and wealth-producing factors of the province.

8. Under the present arrangement, this great Industry shares the privilege of recommending a person for nomination to the Provincial Council with the Jute Industry; it is represented for two years, then remaining unrepresented for one; it has no right to permanent representation on even the Provincial Council. The Jute-growing industry is a purely native one, and its interests in common with rice and other agriculture products are represented on the Legislatures by the landholders, of which class there are several representatives on the Councils. Tea, on the other hand, is almost an entirely European industry, and the land is held direct from Government. It is, we submit, sufficiently important in itself for separate representation on both the Imperial and Provincial Legislative and Advisory Councils, and, owing to the paucity of non-official European members on the Government Councils, it has not hitherto received a measure of representation commensurate with its numbers or its political and economic importance.

9. It seems to us anomalous that a class that has so large a stake in the country, that has taken so great and leading a part in the permanent development of the Province, that contributes to so important a degree, both to the Imperial and Provincial revenues, should be practically excluded from representation on its Legislatures.

10. The planting community, moreever, apart from the vested interests they represent, come by reason of the nature of their occupation into closer touch with the people themselves than any other European class in India. On the Tea Planters depend, directly and indirectly, the livelihood, welfare and contentment of nearly a million of His Majesty's subject, who look up to them for protection from famine and oppression, for the representation of their interests, and redress of their private and public grievances. It is the avowed intention of the Imperial and Provincial Governments to endeavour to come into closer touch with the people, and we respectfully submit that the first step towards the realization of this principle is the more adequate representation on the Legislative and Advisory Councils of those classes, who live amongst the people themselves, who are in sympathy with their customs and requirements, who are trusted by them, and who best understand their needs.

11. My Association desire to thank Government for the invitation accorded them of expressing an opinion on the above important question of representation, and I have the honour, on behalf of my Association, of submitting their views as above for the sympathetic consideration of Government.

I have the honour to be,

SIR,

Your most obedient servant,

A. W. C. CHAPLAIN,

Chairman, Dooars Planters' Association.

FROM

THE CHAMBER OF COMMERCE, NARAYANGANJ,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Narayanganj, the 10th December 1907.

SIR,

I HAVE the honour to acknowledge receipt of your letter No. 11511C., dated Shillong, 10th October 1907, enclosing a copy of the Government of India letter No. 2316(Public), dated Simla, 24th August 1907, and requesting that an expression of the opinion of this Chamber of Commerce on the points raised therein may be communicated to His Honour the Lieutenant-Governor.

2. In reply, I am to state that the Chamber has very fully considered the points raised in the Government of India's letter, and I beg to give below an expression of its opinion thereon and more particularly on those points which seem to come most within its scope, *i.e.*, the election of Municipal and Local Boards.

Imperial and Provincial Advisory Councils.

3. The Chamber is of opinion that the formation of these Councils, as provisionally set forth in the letter of the Government of India, would be of immense advantage to the Government in enabling them to obtain the opinion and advice of persons qualified to express the views of the different classes of the population, and who might be safely trusted to make known to the people the true aim and intention of the acts of the Government, thus greatly assisting the Administration by promoting more intimate relations between the Government and the people through their natural leaders.

Imperial and Provincial Legislative Councils.

4. The Chamber ventures to express its entire sympathy with the desire of the Governor General in Council that the Legislative Councils should be enlarged to the fullest extent compatible with the necessary authority of the Government and at the same time made more truly representative of all the more important classes and interests concerned.

5. As it would appear that to a certain extent the foundation on which the elected portion of the Councils is based is the Municipal and Local Boards, the Chamber considers that its opinion will be most usefully offered with regard to the method of electing these bodies—

(*a*) In the first place the Chamber considers that the present method of election by wards is unsuitable as a means of obtaining a true representation of all the classes and interests concerned, as it lends itself to a monopolising of the great majority of the seats by a professional class, who, as a rule, have little or no real interest in the localities they nominally represent, but whose influence is becoming more apparent each year and that not always to the welfare of the communities by whom they are elected.

(*b*) The Chamber considers that the Members of Municipal Boards should be, as hitherto, nominated as to one-third of their number by Government and elected as to the remaining two-thirds.

(*c*) In place of the ward system of election, the Chamber would strongly advocate the adoption of the principle suggested by Government of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion, and permitting the members of each class to select its own representative, as set forth in paragraph 22(*c*) of the Government of India letter under consideration, with the proviso that in cases where there exists

any predominant interest, trade or otherwise, special means should be adopted to ensure such interest having the full amount of representation which is due to its stake in the locality.

If the Chamber may be permitted to cite, as an example of their meaning, a particular case, it would point to the case of the Municipality of Narayanganj, which has a membership of twelve, consisting of—

4 Government nominees, Europeans.

5 Pleaders or Mukhtears, including Muhammadans.

1 Hindu trader.

I Muhammadan.

1 Petty contractor, Muhammadan.

—

12

—

The four Government nominees represent in themselves annual taxation

amounting to	Rs. 8,762-14,	approximately 94	per cent.,
the five pleaders	,, 29-15,	,, $\frac{1}{3}$	,,
the remaining three	,, 545-15,	,, $5\frac{2}{3}$	,,
	,, 9,338-12,		

while the bulk of the total Municipal taxation is paid by the European traders, whose only possible way of securing representation under present circumstances is by Government nomination. In such a case, the Chamber would suggest that, as it represents the entire European mercantile community, it should have the privilege of nominating four, or at least three members, to the Municipal Board, subject to the approval of His Honour the Lieutenant-Governor, in addition to the Government nominees. This would leave four or five members to be elected on the class principle, and these might consist of—

One owner of house or landed property.

,, Native trader.

,, Muhammadan.

,, or two professional ; if two, one to be a Muhammadan.

A Board such as this would seem to the Chamber to much more justly represent the interests concerned than any which it is possible to have under the existing conditions. The case which the Chamber puts forward as an example is no doubt more or less representative of the conditions prevailing in many other Municipalities, and the merits of each, with the manner in which the distribution of seats may most justly be fixed with regard to all the interests concerned, would be a matter for the Provincial Government to determine.

Local Boards.

6. The Chamber would suggest modifying the method of election to these Boards on lines similar to those proposed for adoption with regard to Municipalities.

7. While the question of enlarging the Provincial Legislative Council is under discussion, the Chamber would take the opportunity of putting before Government the hope that it may be granted the privilege of having continuous representation on the Provincial Council, as part of any scheme for increasing the non-official element.

I have the honour to be,

SIR,

Your most obedient Servant,

ROBT. GLEN,

Honorary Secretary.

FROM

J. L. BROWN, Esq.,

CHAIRMAN, CHITTAGONG CHAMBER OF COMMERCE,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Chittagong, the 23rd January 1908.

SIR,

I HAVE the honour to acknowledge receipt of your letter No. 11540C., dated 10th October 1907, requesting the opinion of this Chamber on the proposals set forth in letter Nos. 2310—2317, from the Officiating Secretary to the Government of India, and in this connection I would make the following remarks as to the opinions which have been expressed by the Chittagong Chamber of Commerce. With the proposals as to the forming of Advisory Councils, this Chamber is in accord, and I consider that the formation of such bodies should be of great use in enabling Government to more closely be in touch with the many classes it has to deal with and to obtain the opinions of the various races and interests its rules. Moreover the opinions obtained, whether collectively as the result of a meeting or privately in writing from an individual, should be of more weight if coming from elected Councillors, than if emanating from bodies or individuals who have not been specially selected for Advisory purposes.

It is, however, the opinion of this Chamber that the result of the meetings of such bodies, whether Imperial or Provincial, should be made public and that such meetings should not, as is suggested, be held *in camera.*

1. *Imperial Advisory Councils.*—The chief object of the formation of this Council seems to be that the ruling Chiefs and territorial magnates of India should be sufficiently represented to make their wants felt, and that the presence of such Chiefs or magnates as recognised members of a determinate body of advisors will bring Government into closer relationship with the big landholders and at the same time stimulate the interest of this class in Government affairs, and with this object I heartily concur, but at the same time as a commercial body we consider that trade interests should be equally provided for, even if this necessitates the number of this Council being increased.

2. *Provincial Advisory Councils.*—It is stated that such combinations should be "a selected body of advisors chosen upon the wider basis" to be consulted on all matters of importance, and again here I would urge that if such a body is formed commercial interests should be fully represented, even if the enlargement of the Council is necessary. I would strongly urge that the two great industries of the province—tea and jute—should be separately represented on the proposed Advisory Council of this province.

3. *Imperial Legislative Council and its enlargement.*—We view with concern also that in the provision made for an enlarged council to consist of 54 members only, only two commercial bodies— Bombay and Calcutta—have the nomination of a member, and while fully recognising the overshadowing proportion of the trade of Calcutta and Bombay to that of other ports of India, we cannot help feeling that no scheme would be complete which did not give representation to the commercial interests of the smaller ports and provinces, such as Chittagong and Eastern Bengal and Assam. Very large interests are locked up in the jute, tea and other planting concerns of the province, and their claims to representation are strongly urged by my Chamber.

4. *Provincial Legislative Councils and their enlargement.*—Here also I would urge that the Council should be increased in numbers, if necessary, so that the industries of tea and jute should receive separate recognition; and while on this topic I would bring to your notice a matter which affects the prestige of this Chamber

very closely, namely, that it has no power in electing the non-official member who represents Chittagong on the Legislative Council of this province. The Chittagong member is at present elected by the Local Port Trust—a body which has a standing Government majority, and it is significant that the Port Trust representative, the Agent of the Assam-Bengal Railway, did not at his election receive the vote of a single non-official member of the Port Commissioners.

In the proposed formation of the Legislative Council the Chamber of Commerce of Calcutta and Bombay are each to have the right to elect a member. Surely, therefore, our Chamber should also have the privilege of electing the non-official member who is to represent Chittagong on the Council of this province. I trust that this matter will receive favourable consideration.

I have the honour to be,

SIR,

Your most obedient Servant,

J. L. BROWN,

Chairman, Chittagong Chamber of Commerce.

No. 2057.

FROM

H. LUSON, Esq., I.C.S.,

CHAIRMAN OF THE COMMISSIONERS FOR THE PORT OF CHITTAGONG,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dated Chittagong, the 26th November 1907.

SIR,

I have the honour to acknowledge the receipt of your letter No. 11542C., dated the 10th October 1907, forwarding copy of letter No. 2316, Home Department (Public), dated the 24th August 1907, from the Government of India, on the subject of the proposed formation of an Imperial Advisory Council and of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial Budgets, and requesting the Port Commissioners' opinion on the points raised therein.

2. In reply I beg to inform you that the correspondence on the subject was laid before the Port Commissioners at their 27th special meeting held on the 22nd instant when they passed a Resolution No. 3, a copy of which is enclosed herewith.

I have the honour to be,

SIR,

Your most obedient Servant,

H. LUSON,

Chairman, Port Commissioners.

Copy of Resolution No. 3, passed at the Port Commissioners' meeting of the 22nd November 1907.

Read 3.—Letter No. 11542C., dated the 10th October 1907, from the Local Government, forwarding copy of letter No. 2316, Home Department (Public), dated the 24th August 1907, from the Government of India, on the subject of the proposed formation of an Imperial Advisory Council and of Provincial Advisory Councils, the enlargement of an Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and requesting the Port Commissioners' opinion on the points raised therein.

Resolved.—The Port Commissioners consider that commerce and industry should be represented on the proposed Advisory Councils as well as on the Legislative Councils, and that there should be at least one non-official representative of such from this province and the Imperial Advisory Council and two on the Provincial Advisory Council of Eastern Bengal and Assam.

The Port Commissioners regret that very little allusion is made to commerce and industry in these proposals of Government, and that provision is only suggested for the election of two representatives of such, one each by the Chamber of Commerce of Calcutta and Bombay, respectively. The Port Commissioners consider that the interests of commerce and industry in the outlying provinces require specially to be represented an the Imperial Legislative Council, and that in this province there should be never less than one non-official representative of such. To ensure this the number of 54 suggested for the Imperial Legislative Council should apparently be increased.

The Port Commissioners consider that the Local Legislative Council of Eastern Bengal and Assam should consist of 21 members and that the Tea and Jute Industries should always be separately represented by elected members.

No. 3044.

FROM

W. B. BROWN, ESQ., B.A., I.C.S.,
JUDGE OF THE ASSAM VALLEY DISTRICTS,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Gauhati, the 22nd November 1907.

SIR,

IN reply to your letter No. 11496 C., dated the 9th October 1907, I have the honour to say that the subjects discussed in the letter of the Government of India are not much in my line of business, but I shall give my opinions briefly on the different questions raised.

The institution of an Imperial Advisory Council on the lines proposed by the Government of India appears to be a measure which will gratify many important interests and will materially assist the administration in obtaining the information necessary for the initiation of important schemes of policy, in familiarizing the public with the intentions of Government, and in ascertaining the effect of its measures when they have come into operation. Such a Council would, for instance, have been of great use in the course of the combat against the spread of plague. The proposed Council seems almost identical with the indigenous institution of the Darbar as it existed under the Muhammadan emperors and before it became a mere court of ceremony, and I think it might appropriately be known as the Khas Darbar of the Viceroy.

With regard to the composition of the Council, I have no remarks to make, except that the proportion of ruling chiefs seems too large for a council which will deal mainly with the affairs of British India.

Provincial Advisory Councils would, in a similar manner, prove useful to Local Governments in the conduct of their administration. In this province care should be taken to preserve the separate identity of the Assamese people and to recognize the wide difference between the institutions of Assam and Bengal. The Councillors from Assam should sometimes be consulted as a separate body on questions which peculiarly concern their country.

The enlargement of the Imperial Legislative Council is a reform for which the times are ripe; and the reconstitution of the Council proposed in section 12 of the Government's letter appears to be satisfactory on the whole. It is a pity that the necessity of maintaining an official majority requires the presence of so many as twenty additional officials on the Council, for all practical purposes it would be better to lay down that the votes of class A of the scheme should count as double their actual number. A ruling chief is quite in his place on an Advisory Council; but as he is not a British subject it seems anomalous that he should legislate for British India. The schemes put forward for electing representatives from the classes of nobles and landlords and of Muhammadans do not seem to me likely to work well. It would be better to leave the election to the associations which represent such classes in the provinces where suitable associations of the kind now exist; and in the other provinces to nominate persons to represent these interests until such associations have been formed. Probably if Government would indicate the proper constitution for associations of landlords or Muhammadans to which the privilege of electing members of the legislature might be entrusted, these classes would succeed in forming such associations.

I do not see any necessity for enlarging the Provincial Legislative Councils, the duties which they perform are not of much importance, and can be as well discharged by a small body as a large one. It is not worth while to take up the time of a number of officials and business men attending such Councils. The Local Government can discuss the general effect of its proposed measures with the

Advisory Council; and the actual work of hammering them into the shape of laws may be left to a small body of experts. For this reason I am disposed to think that the preponderance of lawyers on the existing Provincial Legislative Councils is not altogether a bad thing. Lawyers are more useful than other classes in discussing the details of a Bill. Of course they are not representative of the community as a whole, but nobody supposes that they are, and it is not necessary that they should be. Representative institutions without responsible Government are useless and may be dangerous. I am, therefore, of opinion that, while the Advisory Councils ought to be made representative of various classes and interests and ought to be fully consulted about the general policy of Government the Legislative Councils should be kept for the duty of discussing the details of the measures which Government proposes to pass into laws.

In this view I do not think that there is any great necessity for altering the constitution of District Boards and Municipalities for the purpose of forming better constituencies for the election of Legislative Councillors. Whether such alteration may be advisable for the purpose of improving the working of these bodies themselves, I am hardly in a position to say; and the proposals put forward in paragraph 22 of the Government's letter are somewhat vague and I have no remarks to offer on them.

The proposal for a fuller discussion of the budget in the Imperial and Provincial Council seems an excellent one.

I have the honour to be,

SIR,

Your most obedient Servant,

W. B. BROWN,

Judge of the Assam Valley Districts.

No. 1859.

FROM

E. G. DRAKE-BROCKMAN, Esq.,
DISTRICT JUDGE OF DACCA.

To

THE CHIEF SECRETARY TO THE GOVERNMENT,
EASTERN BENGAL AND ASSAM.

Dated Dacca, the 18th November 1907.

SIR,

In reply to your letter No. 11497C., dated the 9th ultimo, forwarding for opinion the proposals of the Government of India regarding the formation of Imperial and Provincial Advisory Councils and the enlargement of the Legislative Councils and the procedure for discussing Imperial and Provincial budgets, I have the honour to make the following remarks.

2. It is certainly advisable to allow the people of India further opportunities of expressing their views on administrative questions. There is an increasing body of men belonging to the landholding, mercantile and industrial classes whose interests are on the side of law and order and whose views should be generally in favour of moderation. At present, whether from the lack of moral courage, or of public spirit, or of opportunity, these persons are almost inarticulate. They render the Government little or no open support. It is desirable to induce them to express their views and so act as a counterpoise to the noisy section whose clamour tends to bring it into greater prominence than it deserves. This section has also a tendency to increase. The love of notoriety, which is everywhere an unsatisfactory feature of the present age, encourages ill-educated and disappointed persons to come forward and with an assurance so conspicuous advance crude opinions, finding in the growing members of the unemployed a sympathetic audience. This is not the place to discuss the remedies for dealing with this problem of the unemployed, but it is one which owing to existing conditions is not likely to be soon solved, and hence it is the more desirable to induce the men of moderate views to take a greater part in support of the side of law and order. The time is not yet when the executive authority can be reduced in strength. That strong body of public opinion which exists in European countries and though usually latent is ready to find expression whenever the exigencies of the situation demand, is yet to seek in India. The present proposals may foster the growth of public opinion in India, but much time will elapse before such is general, as the diversities of race, caste and religion and other interests tend to check unanimity on questions dealing with the advancement of the people.

3. In the matter of representation, existing conditions should be recognised and western notions not rashly imitated. Even among advanced communities the question of representation has not yet reached finality. It is there noticeable how various sections of people are demanding special representations of their own peculiar views or interests. In India the term interest should be accepted on its widest signification, and be taken as comprising a sect, caste, occupation, trade or any section whose size or importance would justify Government in permitting special representation of its views. A systsm of territorial representation alone is not suited to India, and the election system in vogue has not hitherto worked satisfactorily. The elections of individuals from certain sections would be more successful and not so foreign to Indian conditions. These elections could be made subject to the approval of Government. These representatives are more likely to be fitted to express the views of those electing them and there is more likelihood of the professional politician being excluded. If representation be given on these lines the difficulty felt of maintaining an official majority in the Councils should be lessened. There will probably be a smaller band of men who consider it necessary to be always in opposition. The presence also of men of moderate views and thoroughly representative of their sections should result in some voting in favour of Government proposals. The feeling of antagonism would be absent, and there would be less desire for such a representative to oppose in order to obtain applause from a section of the public. A form of subordinate patriotism may arise.

4. The proposal to appoint Advisory Councils, though necessarily, cautious is a step in advance. Whether these bodies will justify their existence can only be ascertained from experience. I have doubts of their utility, but perhaps their sphere of usefulness may hereafter be enlarged. The Councils should not be too large though sufficient to embrace all important interests. The suggestions defining the lines on which they are to be based seem suitable.

5. In the Imperial Legislative Council it is desirable to increase the landed interest. The proposal to form lists of electors for each province may, however, tend to result not in keeping with the main proposals, and it seems advisable to further divide these electors into Hindu and Muhammadan or other large classes, always maintaining that each representative belongs to the class by which he is elected.

6. I have doubts whether the presence of a ruling chief in this Council will be helpful. There seems much chance of his position being at times one of embarrassment.

7. Even in the election of Muhammadans, the area should not be too large. It must be remembered that the interests of the multitude are still confined in the main to their immediate surroundings, even in respect of matters concerning caste or creed. For example, I have noticed a lack of unity of sentiment between Assamese and Eastern Bengal Mussalmans, and a similar remark might be applied to other classes between whom any identity of interest would be merely neminal. Members of the so-called "National Congress," who will agree on a proposal for increase of posts being granted to Indians would divide into several factions when the question of social reform is advanced. The conditions peculiar to this country must be accepted if it is desired to obtain any real representation of the various interests.

8. Since the present privilege of election by Municipalities, District Boards is to be maintained, it is necessary to change the system of voting which is unsuitable for the election of legislators. Even for the purposes intended this system of election has been a failure. The lawyer element has been too much in evidence here as elsewhere. The goal of a large section of the educated youth of Bengal is to become legal practitioners. The proposal suggested in clauses "*a*" and "*b*" paragraph 22 of the Government of India's letter, may be adopted. The Local Government should determine the classes important enough to be represented and allot seats to each. The list of voters should be compiled of each class and the representatives belonging to it, whether such comprises a race, caste, trade or creed or any other section of the community. The lists should be prepared by districts among the literate population, and the voters should possess a property qualification, based on the amount of revenue rent, or taxes paid, the limits being higher than those now in force. The presence of trader or cultivator or such like on a Board should not be obnoxious to other members when all have similar educational and property qualifications.

9. Finally in the matter of discussing the Budgets, the proposal to divide these under separate heads or divisions of subjects would facilitate business.

I have the honour to be,

Sir,

Your most obedient Servant,

E. G. DRAKE-BROCKMAN,

District Judge of Dacca.

No. 2178G.

FROM

A. H. CUMING, Esq., I.C.S.,

DISTRICT AND SESSIONS JUDGE OF TIPPERA,

To

THE CHIEF SECRETARY TO THE GVERNMENT OF

EASTERN BENGAL AND ASSAM.

Comilla, the 28th November 1907.

SIR,

WITH reference to your letter No. 11498C., dated the 9th October 1907, I have the honour to submit the following expression of opinion on the points raised therein.

Taking first into consideration the question of the Advisory Councils it appears that these are to be of two kinds: the Imperial Advisory Council and the Provincial Advisory Councils.

From the letter from the Government of India it is clear that the Imperial Advisory Council will represent only the landed interests, commerce, industry, and the professional classes will be entirely unrepresented. The Council is to consist of about 20 Ruling Chiefs and a suitable number of the territorial magnates of every province. No doubt a Council so constituted would conduce to stability and order, and should strengthen the hands of Government, but I do not think they would form a channel of communication between the Government and the people.

(1) The Council so constituted will represent the landed gentry's interest, and their interest only. It has been my experince—an experience which has been confined to Eastern Bengal and Assam—that in the majority of cases the interest of the zemindar and his tenants, or in other words the mass of the people, lie very far apart. The majority of the zamindars whom I have come in contact with have been men of little education, many, if not most of them, absentee landlords who look upon their tenants merely as a source of revenue to be squeezed as much as possible. The number of zamindars who nowadays live among their tenantry and take any interest in them grows fewer every day as the attraction of a town life appeals to them more and more. I have seldom if ever, found among the landed gentry of this country that sense of responsibility towards their tenants which is such a conspicuous feature of most of the great English landlords. No zaminder that I have ever met has taken any genuine steps to promote the welfare of his tenants by investing money in village sanitation, roads, water-supply, agricultural improvements, etc. From time to time no doubt they build a school or dispensary. This, however, is as a rule done with the idea of winning the approbation of Government and conciliating the local authorities, and once built and opened is usually allowed to languish in neglect having served its purpose. As far as this province is concerned, I venture to think that it would be incorrect to describe the zamindars as the hereditary leaders of the people. Most of the great zamindars of this province are Hindus and their tenants Mahomedans. They live in the big towns, leaving the management of their estates to their subordinates. They seldom go about among their tenantry and are quite out of touch with the people themselves.

(2) They would take little or no interest in the Council or the question submitted to their consideration. The experience of District Boards and Municipalities has shown clearly that the landed classes take little or no interest in the Government of the country. Any sense of responsibility towards the public, or any feeling that they should devote any portion of their time to the public good, is entirely wanting.

(3) Their opinion on any question would not be frankly given. As a class they devote a good deal of their time to endeavouring to evade or get round the laws made for the protection of their tenants. The methods used in realizing rents are such as to bring them frequently within the criminal law. Such methods are only possible as long as the tenants are under the impression their zamindar enjoys the favour of Government. And the zamindars themselves think that the only way to gain Government favour is by a ready outward acquiescence to any measure proposed by Government.

The present anti Government and boycott agitation illustrates my meaning.

No one has been louder in protestation of loyalty and no one has denounced the method of the agitation more roundly than the landholders of Bengal. It was even considered necessary to publish a loyal manifesto. Let any one acquainted with the mofussil know full well that had such protestation been genuine the agitation could not have lived for a day in the mofussil.

There is further the fact to be considered that the landed aristocracy of India can in no way compare with the landed aristocracy of England. The landed aristocracy of Bengal is a mushroom growth, the growth of a century or two at the most. Most of them had their origin in the tax-collector of the Moghul Empire whom the Permanent Settlement of 1793 converted into landlords. Many of them belong to lowest castes, and as such command little real respect. They are very different from the landed aristocracy of England, whose ancestors for generations have held the land, who live and go about among their tenantry, and whose interest are closely bound up with theirs. To sum it, I submit that the Advisory Councils, as constituted at present, would represent a small indifferently educated section of the people, wanting as a rule in public spirit and who would take little, if any, interest in the work they would be called on to perform. I would include in the Imperial Advisory Council representatives of Commerce and Industry. The interests of the commercial community are most closely bound up with the interest of Government in maintaining law, order and stability. Their state in the country is as great, if not greater, in many cases than those of the landed classes. Their advice on important financial questions would be invaluable. The future of India lies, not in the hands of her backward and apathetic landowners, but in the hands of the trades and capltalists.

I would exclude the so-called professional classes whose stake in the country is small and who stand unfortunately as a rule for agitation and disorder.

With regard to the Provincial Advisory Councils, provision has been made for the representation of industry, commerce, capital and the professional classes. I have, therefore, nothing to suggest further.

I venture to think that the Councillors will take little or no interest in their work. The proceedings of that Council are to be more or less confidential. There will be no opportunitly for displays of rhetoric or violent attack upon the Executive Government, no report in the newspapers, nothing in fact which appeals to the professional politician.

Furtner, the Advisory Councils will have no real power, and this will prevent the Councillors taking much interest in the Council or its work. If the Councillors could be induced to take a proper interest in the work of the Councils, they would doubtless be invaluable aid both to the Local Government and the Government of India.

But the idea of quiet unostentatious work for the good of the State and the public is at present absolutely wanting. The absolute lack of interest taken in the District Boards and Municipalities is an instance of the absence of public spirit. Most District Boards and Municipalities are in the hands of the pleader class.

With regard to the proposed extensions of the Imperial and Provincial Legislative Councils, I approve generally of the proposition to increase the number of Councillors in order to provide for the representation of the small minorities which at present are unrepresented.

I would approve of the suggestion of granting to persons, paying over Rs. 10,000 land revenue, the privilege of directly electing a member or members to the Council, and the condition that the elected member must belong to the class he represented.

One difficulty may arise in the case of a joint or undivided family where the revenue of a number of shareholders is paid jointly. Would this joint family, if paying more than Rs. 10,000 a year revenue, be entitled to a vote? There are a

No. 1918.

FROM

B. K. MULLICK, ESQ., I.C.S.,
DISTRICT AND SESSIONS JUDGE, CHITTAGONG,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM

Chittagong, the 3rd December 1907.

SIR,

I HAVE the honour to submit the following note on the proposals of the Government of India, contained in their letter Nos. 2310-2317, dated the 24th August 1907.

Advisory Council.

1. I welcome the proposals made in paragraphs 4, 5, 6 of the letter above referred to. I think a limit of 25 for each Provincial Council will be sufficient. The nominees would be the principal landholders, the representatives of capital, industry, commerce and the professional classes, and, if properly selected, these men should form a valuable link between Government and the people. Speaking of the Government of a country by foreigners, Mill used the following words : " What a native of the country of average practical ability knows as it were by instinct they have to learn slowly and after all imperfectly by study and experience. The laws, the customs, the social relations, for which they have to legislate, instead of being familiar to them from childhood, are all strange to them. For most of their detailed knowledge they must depend on the information of natives, and it is difficult for them to know whom to trust. They are feared, suspected, probaly disliked by the populations ; seldom sought by them except for interested purposes ; and they are prone to think that the serviley submissive are trustworthy. Their danger is of despising the natives ; that of the natives is of disbelieving that anything the strangers do can be intended for their good." These words apply very forcibly to the present time in India, and if the Advisory Councils can even in the smallest degree contribute to a better understanding between the Government and the people, they will have very largely lightened the work of administration.

With regard to the Imperial Advisory Council, the only feature in which it differs from the Provincial Councils is the addition of 20 ruling Princes. This too is a reform which will be fruitful of good results. The ruling chiefs of India have made great strides in education within the last 40 years, and I am confident that they will be able to give a well-reasoned and valuable opinion, not only on matters affecting their own States, but also those relating to British India.

The Provincial Legislative Council.

2. It would appear that Government intend to maintain the present privileges of the Universities, Trades, Associations, Presidency Corporations and other recognized public bodies, and at the same time to give greater representation to European planting and industrial interests and to Indian commerce. But the prvileee of election hitherto enjoyed by Local, Municipal and District Boards is to be considerably modified. The effect of those modifications will be, in my opinion, not to give greater representation, but to curtail the power of the professional classes. It is proposed that representation should be based on religions, caste, and class distinctions, and, if necessary, the organisations of Municipal and District Boards should be radicially changed, so that due representaticn may be given to landlords, big and small, trades, professional men, cultivators, and artisans. To my mind the scheme will be incapable of execution ; there will be no cohesion in these Boards, and in the long run the lead will fall as now into the hands of the landed and the professional classes. It is, I take it, the duty of all good Governments to create solidarity and to stimulate unity of action. In India the duty is more pressing than in most

number of such families probably and their case requires some consideration. With regard to the constitution of an electorate for the seats to be filled by Mahomedans, I approve generally of the proposed constitution. Government servants would I presume be allowed a vote. Probably the majority of class (3) graduates of an Indian University will be found in Government service. With regard to the electorate for the Governor General's Council, section 18, I do not think there should be much difficulty in compiling a list of Muhammadans paying an income tax on annual income of Rs. 25,000. The figures would be available in the Income-tax Office.

With regard to the Provincial Legislative Councils, I would suggest that the person selected to represent any class or group must himself belong to that class or group, *e.g*, the person representing the District Boards must himself be a member of some District Board. This would help to eliminate the professional Councillor, who uses the Council merely as a means of advertisement.

In assigning certain seats to certain class or group, what is to be the standard by which the class or group is to be judged? For instance, in Eastern Bengal the Census shows the Mahomedans to be to the Hindus in the proportion of 7 to 3. If, then all District Boards are to be constituted with the above proportion, the very greatest difficulty will be found in filling the seats. Because although the Muhammadans are numerically the strongest, the number of them properly qualified to act on District Boards is very small. A knowledge of English is essential to taking any real part in District Boards' work. That the member who represents a caste or group should be one of that caste or group, should certainly be strictly adhered to, though in some cases it may lead to some particular group or caste going unrepresented. The best division would be into (1) landholders, (2) cultivators, (3) traders and professional men, allowing an equal number of representatives to each. The chief difficulty that will be encountered in putting these principles into practice will, I think, be found in the apathy of the general body of electors. The idea of representative Government is so absolutely foreign to the East that it is very difficult to get the masses of the people or the electors to take the slightest interest in the election of representatives.

With regard to section 23, the discussion of the budget in the Legislative Council, I would suggest that more reality might be given to the proceedings by allowing a discussion before the passing of the budget and not, as at present, after the budget has been finally settled.

Members might be allowed to move amendments to the budget of which due notice would be given beforehand. There could be no danger in this procedure as long as Government has always the standing majority, and it would make these discussions on the budget more real and less academic. Due notice would have to be given of every amendment, and it would be, of course, considered before the budget came on for discussion, and the Government would determine whether they should accept or reject the amendment. The number of amendments allowed to be proposed might be limited. A fixed time could be allotted to the discussion of each head of the budget to prevent an endless and futile discussion.

Consdering the proposals now under consideration, as a whole, I venture to doubt if they will [in any way satisfy the demands of the small class who make themselves heard and demand a large share in the administration of the country. The mass of the people are indifferent to politics. What the so-called educated classes demand is not wider opportunities of expressing their views on administrative matters, for their own newspapers already supply them with the means for doing this. They ask for a real share in the administration or, in other words, the control of the finances and the distribution of the various posts now at the disposal of Government. What is now offered will not satisfy them in any way.

I have the honour to be,

SIR,

Your most obedent Servant,

A. H. CUMING,

District and Sessions Judge, Tippera.

countries, but the scheme set forth by the Government will retard all further progress and may even cause retrogression. It is, moreover, useless to attempt to check the growth of the influences of the professional classes. Even in a highly organized country, such as England, the power of the professional classes in the affairs of the nation is altogether out of proportion to its numbers. The thinking minority in every country will assume the lead and in India till the remainder of the population is better educated and acquires the power to express its wants, the professional classes must as of necessity be their mouth-piece in public affairs. Nor is the present state of things on the whole unsatisfactory. The landed classes as a body know their own interest, and if they desire to elect a member of the professional classes to represent them, there is no reason why Government should not allow them to do so.

3. The Government of India's letter does not call for any definite scheme for the formation of a Provincial Legislative Council, but if any scheme were required, I would respectfully commend one similar to that submitted by the British Indian Association to Sir John Woodburn in 1898. Its main features were—

(1) To limit the franchise to the propertied and educated classes in proportion to their relative importance. That relative proportion was arrived at by various tests at 3 to 1 in the province of Bengal as it stood before the partition.

(2) The Province was to be divided into electoral circles, each consisting of a certain number of districts.

(3) The propertied class was to be divided into 3 groups according to the land revenue paid by them. Each group was to return one representative. The educated section (the qualification limit being good University distinction) to form the 4th class and to elect one representative.

(4) The representatives of each group in each electoral circle to elect one representative and the four representatives of the four classes in the whole province to form the Central Electoral Council. This Council to elect its representative for the Legislative Council.

(5) A necessary qualification for all classes in addition to any other qualification to be the payment of Rs. 1,000 per annum in taxes. These are the rough outlines of the scheme, and I think that if any real representation is desired, a trial might be given to it.

The Imperial Legislative Council.

4. The Imperial Council is to be composed as follows :—

A.—*Ex-officio* members	8
B.—Additional officials nominated	20
C.—1 ruling chief nominated	1
D.—Elected members—	
(*a*) By the Chambers of Commerce	2
(*b*) By Provincial Council	7
(*c*) By Nobles and Great landowners	7
(*d*) By Muhammadans	2
E.—Nominated members representing minorities, not less than two being Muhammadans	4
F.—Experts nominated for special purposes	2
Total	53

At present there are only ten non-officials in the Imperial Council, five nominated and five elected. Under the proposed scheme the number will be 7 and 18. This is a very substantial concession to the principle of representation, but so far as results are concerned, the parties will remain where they were. The debates will merely become longer and more academic.

The next point to be noticed is the special provision for representing Muhammadans and other minorities. Although the principle is a somewhat dangerous one, I think, having regard to the special necessities of India, that it is a wise and generous step towards ameliorating the condition of the Muhammadans.

I also note with pleasure the recognition of the claims of the landed interest, but I think the number might have been increased to ten at the expense of the 20 additional official members. The condition, however, as to the representative

belonging to the class which he represents, appears to me to be repugnant to the principle of representation; for if the landlords desire to be represented by some one who is not himself a landlord, a curtailment of their powers would amount to a denial of the very principle which the reforms are intended to affirm. The apprehension that the landlords will be worked upon by wire-pullers who have no interest in land is, I think, imaginary. The landlords as a class are quite shrewd enough to know their own interests; what they lack is education and the consequent capacity to express their wants.

I regret that no provision has been made for representing the great Universities. The seat reserved for a ruling chief might with advantage be given to a representative of the Universities. If the landlords are represented, I see little use in adding a ruling chief to the list of members.

Budget Discussions.

I have only to suggest that, before definite financial arrangements are made for the year, two or three conferences may be held by the Finance Members with the non-official members, so that their advice may, if necessary, lead to a recasting of the budget. At present the budget debate is a mere academic discussion, which has no effect on the budget under review.

I have the honour to be,

SIR,

Your most obedient Servant,

B. K. MULLICK

District and Sessions Judge, Chittagong.

No. 2073G.

FROM

A. MAJID, ESQ.,
DISTRICT AND SESSIONS JUDGE, RAJSHAHI.

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Rajshahi, the 7th December 1908.

SIR,

WITH reference to your letter No. 11500C., dated the 9th October 1907, on the subject of the formation of Advisory Councils, Imperial and Provincial, and the enlargement of the Legislative Councils, also Imperial and Provincial, I have the honour to submit the following observations.

(1) The proposed Advisory Councils.

(1) It seems that they will bring the representatives of the people into closer relation with the Government and its officers and increase their opportunities of making known the feelings and wishes of the people in respect of administrative and legislative questions. The usefulness of the Councils will depend upon the zeal and enthusiasm with which their members will avail themselves of the opportunities afforded to them. The members will perhaps have to be given all the possible inducements which will lead them to value their seats in the Councils. The designation proposed to be offered to them will be deemed by many of them as an honour. In public functions, they will perhaps receive all the honour that is due to their position as Councillors. There can be no doubt that Government will attach value to their opinion and advice. Their functions being purely advisory, it is desirable that it should be made apparent to them and the people that their advice, when given, is received and viewed with the consideration that is due to it. In any matter in which their advice is of use, acknowledgments of their services may be made in public, care been taken at the same time to avoid the semblance of having made any invidious distinctions. It may perhaps be possible to enlist their services in important Committees, which Government form for the purpose of considering any important measures of reform. (2) The importance of the Councils as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government is problematical, in view of the work done in that direction by the Press. This object may to some extent be secured by any member or members issuing *Communiques* as occasions require. (3) It seems to be needed that in the Imperial Advisory Council, the mercantile, industrial, and professional classes should be represented. In selecting their representatives the precaution may be taken that men with moderate views find their seats in the Councils. There will, I fear, be much disappointment among the members of these classes if they are altogether left out of the Imperial Council. This aspect of the question may be considered, and it is perhaps safe to say that their advice and opinion on some questions will be very valuable. It is possible that there will arise questions on which territorial magnates may not be sufficiently acquainted with the views of the other classes. It may be remembered that the professional classes, among whom there are many educated men, exercise considerable influence upon their fellow countrymen. (4) It is proposed that the Local Governments should consult the members of their Councils, whether individually or collectively, and that when they are consulted individually, they would be consulted by letter, and not by personal interviews. Perhaps no such restriction needs be imposed. It is probable that in certain cases that personal interviews and discussions with the individual members may be attended with good results.

(2) Legislative Councils.

The proposed enlargement of these Councils seems to be a move in the right direction, in view of the necessity of securing a representative of different classes and interests, instead of having, as now, what is actually a narrow electorate. (1) The

proposal to raise in the Imperial Council, the number of members elected by the non-official members of the Provincial Councils will meet a growing want. (2) The question as to how the great landholders should be represented is one of much complexity. To give the landholding members of the Provincial Council exclusively the right to vote would result in giving that right to a small electorate, some of whom would, in ordinary course, exercise the right of voting when electing a member from among themselves, under clause D (*b*) of paragraph 12 of the India Government letter. There is much to be said in favour of the proposal to mass together for voting purposes the entire body of landholders; but, in adopting this course, there is the danger of the electorate falling into the hands of wire-pullers. With a view to minimise or obviate this danger, the electorate may perhaps be required not to elect one member only, but to give the names of more than one member, leaving to Government the opportunity of exercising a selection. This course may be followed in appointing members of both the Councils, Imperial and Provincial. The number of members required to be given may be fixed by Government from time to time in view of local circumstances, or of the problems required to be dealt with, or with regard to the administrative divisions, *e.g.*, Commissionerships, into which a province is divided. (3) The proposal to give the Muhammadan community an increased measure of representation will go towards removing a recognised want, about which a representative deputation of that community waited on the Government of India. (*a*) In this province, in which there is a preponderance of Muhammadans, this community should, it seems, be largely represented, with a view to have public questions considered in the light of their feelings, and wants. In the Provincial Council of this province a fair number of seats may be allotted to be exclusively filled by Muhammadans, regard being had to their large numbers in this province. (*b*) Of these, a good proportion may be left to be filled in by Government by nomination, leaving the rest to be filled in by election. (*c*) The electorate for representation in the Provincial Councils may be formed on the lines proposed in paragraph 17 of the India Government's letter. In order to embrace the body of substantial landholders, the amount of revenue required to be paid for eligibility to vote should be sufficiently low, as stated therein, especially as the majority of them do not own big estates, the Muhammadans being generally poor. The minimum may be fixed by Government by taking into consideration the amount of revenue which the Muhammadan landholders each in large numbers pay in the several districts or divisions. If necessary, information on this point may be called for from the several district offices. (*d*) The proposal adopted in paragraph 18 of the India Government letter for representation of the Muhammadans in the Imperial Council may be adopted, perhaps subject to this modification, that instead of the Muhammadan Fellows of the University, all graduates of more than, say 10 years' standing, may be given the right to vote, as it seems that the number of such graduates is small, and the number of the Muhammadan Fellows of the University is much smaller. A list prepared on the lines of 18 (*c*) would afford a larger electorate than that which is confined to the non-official members of the Provincial Council. The preparation of the list will, I fear, involve much labour and trouble. Until that list can be prepared, the non-official members of the Council may perhaps be given at present the right to vote.

Discussion of the budget in the Council.

2. The proposed change will, it seems, be a great improvement on the existing system.

I have the honour to be,

SIR,

Your most obedient Servant,

A. MAJID,

District and Sessions Judge, Rajshahi.

No. 1416G.

FROM

H. LUSON, Esq., I. C. S.,

COMMISSIONER, CHITTAGONG DIVISION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Chittagong, the 13th January 1908.

SIR,

In accordance with the request made in your letter No. 21487-91C., dated the 9th October 1907, I have the honour to submit my opinion upon the points raised in the recent proposals of the Government of India for the formation of an Imperial Advisory Council; for the formation of Provincial Advisory Councils; for the enlargement of the Imperial and Provincial Legislative Councils, and for the procedure to be adopted in discussing the Imperial and Provincial Budgets.

2. I have received copies of the replies of the following, who were consulted direct by Government:—(1) B. K. Mullick, Esq., I. C. S.; (3) the Hon'ble Mr. V. Woods; (5) the Port Commissioners, Chittagong; (6) the District Boards of Chittagong, Tippera and Noakhali. The following who were also consulted direct by Government have not yet furnished me with copies of their replies:—(2) A. H. Cuming Esq., I. C. S.; (4) the Chamber of Commerce, Chittagong; (7) the Municipality of Chittagong. I have also consulted the District Officers of this Division and through them have endeavoured to elicit the views of the leading people and associations of their districts. I have further consulted various gentlemen individually. His Highness the Raja of Hill Tippera was consulted separately, and his opinion has already been submitted to Government. I regret to have to say that the opinions received in this Division are not on the whole very helpful. There are scarcely any large landlords in the districts under my charge. The better classes of Muhammadans here are just emerging from a long period of inaction. The educated Hindus are at present in a mood in which most of them are disposed to view with suspicion any proposals put forward by the Government. But I have had the advantage of consulting the proceedings of the Conference of Commissioners and others held at Darjeeling on the 10th October last under the Presidency of Sir Andrew Fraser, when the proposals for consideration were discussed.

3. The first question is as to the proposed Imperial Advisory Council and its constitution. Generally I may say that the proposal for such a Council is welcomed here. The feeling undoubtedly exists that the Imperial Government of this country, which for a few busy weeks is in Calcutta, and for most of the remainder of the year is at Simla, does not obtain sufficient opportunities for coming into contact with those who have direct knowledge of the country. It is most desirable that the Executive Government of India should be afforded a means of free and close consultation with leaders of the different communities and interests, who are best qualified to give them information and advice, as well as to interpret their intentions to the people. Such cousultation should add strength to the Government.

4. It is said that the proposed Advisory Council would require no legislative recognition. It might, however, as I understand, be established by an Ordinance of the Sovereign, and it would I think have more value in the eyes of the people of this country if it were brought into existence by the direct order of His Majesty. Its constitution is to be somewhat of the nature of the Privy Council in the United Kingdom, and appointment to it will be made by His Excellency the Viceroy for a term of years. This appears to be generally considered as suitable, but it is for consideration whether formal appointment to it should not be made by Letters Patent. Sixty would seem to be an appropriate number. It is thought that it may well include 20 ruling chiefs who would not be specially appointed for purposes involving their own interests. But it is suggested that besides the chiefs and territorial magnates of the provinces, it should also include representatives of commerce and industry and of the learned professions. I would suggest that it consist of (1) twenty ruling chiefs, (2) twenty territorial magnates of the provinces or recognised heads of communities, and (3) twenty representatives of commerce and Industry and of the learned professions. Hindus, Muhammadans, Parsis, Buddhists and Europeans will no doubt receive some of the appointments.

5. As to the functions of the Imperial Advisory Council, His Highness the Maharaja of Cooch Behar has made a suggestion which has been accepted by the Darjeeling Conference, *viz.*, that the members of this Council, singly or collectively,

should have the privilege of bringing to the notice of Government such matters as are considered of Imperial importance with a view to discussion in Council. I venture to think that something more definite should be laid down to the effect that it will always remain for His Excellency the Viceroy, or the Government of India, to decide whether or not any particular matter is to be discussed. Some discussions might be extremely inconvenient, *e. g.*, with reference to an impending war or treaty or to the bringing up again of a matter finally closed, such as the formation of this province.

6. There has been a considerable amount of criticism of the proposal that the proceedings of the Imperial Advisory Council should, as a rule, be private, informal and confidential, and they would not be published, although Government should be at liberty to make any use of them they thought proper. The proceedings should doubtless be confidential unless the Government directs otherwise, but it will be difficult to ensure this always, if any record is kept. I am disposed to suggest that ordinarily no record should be kept, but that the meetings of the Council be attended by His Excellency the Viceroy himself or one or more members of the Executive Council. It is just possible that the Advisory Council may take some directly opposite view to that determined on by Government, say, on some fiscal change or during some crisis, such as a mutiny. Their opinions on such a matter might be brought forward if not directly yet indirectly in connection with another subject the discussion of which had been allowed. The publication of views held by the Advisory Council in opposition to those of the Government might be dangerous. It is to be hoped that the Advisory Council and the Government of India will usually be in accord, but provision should, I submit, be made in contemplation of the Advisory Council being hostile for the time being. The Advisory Council is intended to be purely a consultative body, but it may attempt, with a large body of public opinion behind it, to enforce its opinions upon the Government of India. There is no doubt that any adverse opinion expressed by the Advisory Conncil would be eargely availed of by opponents of Government outside the Council. A large party will always exist whose main object is to weaken, and thereby to control, the paramount power of the Executive British Government in India. The existence of this party, as well as the possibility of the sudden occurrence of a grave crisis in the affairs of the country, will no doubt be kept in view when finally settling the means for putting Government into closer touch with the people.

7. The proposed Provincial Advisory Councils are somewhat different from the proposed Imperial Advisory Council. It is proposed that the Local Governments should consult their Advisory Councils on all measures of importance affecting the populations committed to their charge, either individually in writing or collectively with a member of the Government presiding over a meeting, when a Secretary would attend to furnish information and to record the conclusions arrived at. It is not proposed that their proceedings should be confidential. It seems to me that the Provincial Advisory Councils should be on the same footing as the Imperial Advisory Council. It may be impossible on account of urgency for a Local Government to consult its Advisory Councils in all cases; or it may be inexpedient to do so on account of the confidential nature of a case. I would leave it to the Local Government to decide upon what cases to consult the Advisory Council, and unless the Local Government orders otherwise, I would not provide for a formal record of the proceedings. I would allow the Local Government to decide entirely upon the mode of consulting the Council, whether by letter, by conference, by personal interview, or by the deputation of an officer.

8. As to the number of the Advisory Council for Eastern Bengal and Assam, it has to be considered that this province is at present badly off in the matter of communications, especially by railway. For some years to come there will be difficulty in getting the members of the Advisory Council together, whether at Shillong, Dacca or Chittagong. On this account I would fix the number of Advisory Councillors in Eastern Bengal and Assam at, say, 21 for the present. The members of the Imperial Advisory Council from the Province are to form a nucleus for the Provincial Advisory Council. These may be expected to be for Eastern Bengal and Assam, say, 4 or 5. The Government of India's letter states that for the remainder it is essential that the smaller landlords, industry, commerce, capital and the professional classes, including non-official Europeans, should be represented. The head of the Local Government is to nominate for the Viceroy's approval. The Lieutenant-Governor will be able to make the requisite nomination after knowing who the Imperial Councillors from the Province are. Before making his nominations, His Honour will perhaps consult the District and Divisional Officers confidentiallv. It is understood that the appointment will be for five years.

9. As to the enlargement of the Imperial and Provincial Legislative Councils, I beg to submit my opinion that too little account is taken in the proposals of the representation of commerce and industry. Commerce is largely responsible for the present administration of this country, and the industrial development of India promises to be very rapid in the near future. Commerce and industry require therefore to be very considerably represented on both Councils, but their representatives will be unable to secure recognition (on account of their numerical inferiority in the provinces) unless special provision is made for them. As regards Muhammadans, I beg to support the proposal of Raja Ban Behari Kapur at the Darjeeling Conference, that if, under the system sketched in the Government of India's letter for the Imperial Legislative Council, five Muhammadans (including, as I presume, officials) are not appointed to the Council, the Viceroy may appoint one more. Indeed, I should be disposed to carry this principle still further and to provide that after the elected members have been chosen the Governor General should be given several more seats so as to be able to nominate, as far as possible, to give representation to important interests which are found on the results of the elections to be in an undue numerical minority or altogether unrepresented. The universities should, I think, have one seat on the Imperial Legislative Council as well as the domiciled Europeans and Anglo-Indians. Some additions would thus be required to the total number 54 in the proposed scheme. There is a difficulty in increasing the number mainly on account of the additional officials required. I have elsewhere, in connection with the Royal Decentralisation Commission, ventured to suggest that the number of the members of the Governor General's Elective Council should be enlarged.

10. As to the qualifications for the electorate for the 7 nobles and great landowners to the Imperial Legislative Council, I beg to say that the land revenue limit of Rs. 10,000 per annum, suggested in the Government of India's letter, does not give for these provinces so good a criterion as the road and public works cess valuation suggested by the Darjeeling Conference. It would, however, be necessary in these districts to have a lower monetary qualification than that suggested there. I would suggest an annual value of Rs. 25,000.

11. Regarding election to the Imperial Legislative Council by the non-official members of the Provincial Legislative Councils, I would not allow an outsider to be elected. I would have the representative on the Imperial Council a man who is a member of the Local Council or has been so within, say, three years. The Local Councils are to be enlarged, so a large enough choice should be found. Or if an outsider is to be eligible, he should be a member of the Imperial or Local Advisory Council.

12. For the qualification for Muhammadan electors for representatives in the Imperial Legislative Council, I am disposed to think that the representative elected should come from the Provincial Legislative Councils or the Imperial and Provincial Advisory Councils, and that the electorate should be confined to Muhammadan members of the Provincial Legislative Councils.

13. The total number of members of the Legislative Council of Eastern Bengal and Assam I would enlarge to 21, of whom 11, including His Honour the President, should be officials. Communications are yet poor and officials are few in this province. A larger Council would cause inconvenience at present. There would thus be 10 non-officials instead of 8 as now. I would give the tea industry permanently a representative. I would also give the railways a representative on the Council, as so much of the future of the province depends upon railway development. I would transfer the seat held by the Chittagong Port Trust to the commercial community as represented by the Chittagong Chamber of Commerce and the Narayanganj Chamber of Commerce jointly if they will amalgamate, or alternately if they will not do so. The Chittagong Port Commissioners should, I consider, ordinarily be represented in the Council by their Chairman, who will, I presume, continue to be an official, and one of the senior officers of the province. In other respects I would not at the present time change the constitution of the Council of this province. The Muhammadans are in considerable numerical majority in this newly-formed province, and on that account it is unnecessary I think to make special provision for a minimum number of their representatives. Moreover this is not a province of great landlords though there are a few such. In this division there is not one, except His Highness the Raja of Hill Tippera, who has a zamindari in the regulation districts.

14. As regards qualifications for election as representatives on the Provincial Legislative Council, I am clearly of opinion that there should be a strict condition of residence. We do not want our Municipalities and District Boards to be electing representatives from Calcutta, as some of them would probably do if they could

Nor do we want a nominal resident of one of our districts who is really an absentee, but has a house here and comes to it for a few days once a year in the Puja holidays as some do. I beg to express my humble concurrence with Sir Andrew Fraser's view as expressed at the Darjeeling conference, that it will be better in the long run if we confine the candidature to members of the Municipalities and District Boards.

15. As to the budget debates, the proposals of the Government of India, with the addition of Sir Andrew Fraser's suggestion for a Budget Sub-Committee to sit before the budget goes to Council, seems very appropriate.

I have the honour to be,

SIR,

Your most obedient Servant,

H. LUSON,

Commissioner, Chittagong Division.

No.37J.C.T.

FROM

F. C. HENNIKER, Esq., I.C.S.,

OFFG. COMMISSIONER OF THE RAJSHAHI DIVISION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dated Camp Rangpur, the 7th December 1907.

SIR,

I HAVE the honour to refer to your No. 11487-91C., dated the 9th October 1907, on the proposals for forming Advisory Councils. I forward the marginally noted letters from District Officers who were consulted.

Letter No. 7 J.C.T., dated the 26th November 1907, from the District Officer of Dinajpur.

Letter No. 2219J., dated the 19th November 1907, from the Deputy Commissioner, Jalpaiguri.

Demi-official from the District Officer of Pabna, dated the 18th November 1907.

2. The chief criticism that suggests itself with regard to the Advisory Council is that it will have no real power and consequently (it is to be feared) will have no sense of responsibility. Moreover, it is not often to be summoned for collective deliberation. Apparently individual members are to be consulted by post. As to the subjects on which they are to be consulted scarcely a hint is given. In paragraph 4 of the Government of India's letter there is a cursory allusion to famine relief and education. Famine is fortunately of comparatively rare occurrence. Reference on these two subjects cannot be so frequent as to afford much work for the Advisory Council, and the number of similar subjects also is limited.

3. Turning to the suggested enlargement of the Legislative Council, there is little doubt that the Government of India have correctly gauged the position in saying, as in paragraph 9, that in India a "general election" fails to secure accurate representation of the classes which ought to be represented. The reason of the preponderance of the lawyer element is easily intelligible. In other countries besides India the lawyer element figures largely in the legislative assembly. The lawyer is accustomed to public speaking (a great initial advantage), and also to some extent he is accustomed to court popularity in competition with his fellows. The best classes of the Indian community shun such competition. They will not stoop to enter the arena and therefore are liable to be left out of any scheme which depends on election. Nomination is distinctly necessary in the present stage of public opinion.

4. As to the constitution of the Imperial Legislative Council, I have no criticism to offer except in one particular. I find an objection on the part of some officers to the special electorate of Muhammadands. It is urged that this gives a Muhammadan two votes, *i. e.*, one for his class and one for the general election. There is truth in this contention, but a stronger objection lies in the opinion held by many that in order to secure representation of particular classes or minorities it is much better to nominate. In paras. 17 and 18 the Government of India sketches an electorate of Muhammadans. I have enquired the number of Mohammadans in this Division (*a*) holding degrees and (*b*) paying over a certain amount in income-tax and land revenue. The result is as follows :—

Total number of Muhammadans who are—	
(1) Graduates	37
(2) Pay income-tax over Rs. 5,000	16
and (3) Pay land revenue of—	
(i) Rs. 5,000	9
(ii) Rs. 10,000	2
(iii) Rs. 20,000 and upwards	*Nil*
Total ...	64

The total electorate on this principle would therefore be 64, a very small number. No Muhammadan pays income-tax on Rs. 25,000, the figure mentioned in 18 (c) of the Government of India's letter.

5. The above remarks apply, firstly, to the Imperial Council, but they are also applicable to the Provincial Councils. The Government of India has not discussed in detail the constitution of Provincial Councils, but has merely in paragraph 22 laid down general principles. In regard to these I have only to say that the special electorate suggested in sub-paras (b) and (c) seem to be rather complicated and difficult of practical application. A broad division of Hindu and Muhammadan is reasonable and might be popular. Beyond that I should not recommend subdivision, but the classes that fail to obtain due representation should receive nomination.

I have the honour to be,

SIR,

Your most obedient Servant,

F. C. HENNIKER,

Offg. Commissioner of the Rajshahi Division.

No. 7 J.C.T., dated Camp Farabari (Dinajpur), the 26th November 1907.

From—F. W. STRONG, Esq., I.C.S., District Officer of Dinajpur,

To—The Commissioner of the Rajshahi Division.

In reply to your Circular No. 844J., dated the 11th November 1907, forwarding copy of Local Government's letter No. 11487—91, dated the 9th October 1907, on the subject of Advisory and Legislative Councils, I have the honour to submit the following remarks:—

Government of India's letter, paragraphs 4, 5, 6, and 7.

The proposals for the consultation of the Advisory Councils seem good, and I have only a few observations to make.

(1) The various classes to be represented on the Provincial Advisory Councils should, where possible, be represented by members of those classes, *i.e.*, landholders should be represented by a landholder, merchants by a merchant, etc. This should to some extent have the effect of excluding wirepullers.

(2) I do not see how cultivators can very well be represented by a member of their own class. Real cultivators are not, as a rule, men suitable for a seat on a Council, and the big cultivators are really zamindars or landholders on a smaller scale. The definition of landholder is, I think, one who pays revenue direct to Government, but some such landholders are quite small men, while some persons who only pay rent to superior landlords are really important zamindars. Thus, the representatives of the cultivators would be to all intents and purposes landholders in the broad sense—I think I would, therefore, omit cultivators from the classes to be represented.

(3) It should be borne in mind that visits to the capital of a province or of India for purposes of attending Councils entail very heavy expenses on Councillors, more especially big landholders who have dignity and state to maintain. To take an instance from this district, each visit of the Maharaja of Dinajpur to Shillong or Dacca to attend the Council costs him some thousands of rupees, and if such visits were to become frequent, the attendant expense would, I am afraid, act as a deterrent on persons who would otherwise be quite willing to attend the Councils. All the above remarks apply equally to the Legislative Councils.

Government of India's letter, paragraphs 11 to 19.

I have no objection to raise to the proposed constitution of the Imperial Legislative Council as set forth in paragraph 12.

2. D. c.—The electoral should consist of the representatives of the landholding class on the several Provincial Councils who should elect one of their number to represent the province on the Imperial Council.

2. D. d.—The Muhammadan representatives should be elected by the Muhammadan non-official members of the Provincial Councils. Each Provincial Council should submit one name and the Viceroy should select two out of the whole number so submitted. They should, of course, be Muhammadans.

Government of India's letter, paragraphs 20-22.

I would propose that the Provincial Legislative Council for this province be constituted as follows:—

A. *Ex-officio* members.

B. Additional officials to be nominated.

C. Elected members—

(*a*) Landowners	5
(*b*) Merchants	3
(*c*) Professional classes	4
(*d*) Representatives of European mercantile community	3
D. Non-officials nominated by the Lieutenant-Governor to present minorities or special interests, not less than half the number to be Muhammadans...	4
E. Experts nominated by the Lieutenant-Governor when necessary for special purposes	2

As regards A and B, I am not prepared to go into figures, but the number of additional officials to be nominated should be sufficient to give the Government a majority.

Method of election of elected members.

Every district has an assessors' list or a jury list prepared under the orders of the Collector and revised every year. These lists contain the names of the literate men of the district of any standing and of all classes except those who have been specially exempted on account of age, illness or habitual absence from the district. Thus, all the important landholders, merchants, shopkeepers, cultivators, professional men, etc., with the exception of barristers, pleaders and muktears, are contained in the lists. It seems to me that if these lists supplemented by a list of the members of the legal profession are divided into three classes,—landholder (including cultivators), merchants and professional men,—we shall have an efficient electorate of a manageable size. The method of selection would be as follows:—

(1) The landholders on the list would elect one landholder as a candidate for the Council. Out of the candidates from the various districts, the Commissioner will select one, who will be the representative of the division on the Council.

(2) The same process will be gone through as regards merchants and professional men; but, in the case of merchants, the Lieutenant-Governor will select three out of the five submitted by the various divisions, and, in the case of professional men, four out of five submitted. It may happen that a district has no name to submit as representing one or more of the classes. In that case that district will only submit one or two names, or none at all, but it is not probable that out of a whole division three candidates, one for each class, will not be forthcoming. If this should happen, the Lieutenant-Governor might nominate at his discretion to fill up the blanks.

As regards the representative of the European mercantile community, I would make the electorate to consist of managers of tea estates in independent charge, bank managers, managers of mills, factories, etc., in fact, all managers of business concerns, but not assistants. Each division would elect one man, and the Lieutenant-Governor would select three out of five to sit on the Council.

Government of India's letter, paragraph 23.

I do not feel qualified to give an opinion on this point.

No. 2219J., dated Jalpaiguri, the 19th November 1907.

From—JOHN F. GRUNING, Esq., C.S., Deputy Commissioner of Jalpaiguri,

To—The Commissioner of the Rajshahi Division.

With reference to your Memorandum No. 844J., dated the 11th November 1907, forwarding copy of letter No. 11487-91, dated the 9th October 1907, from the Chief Secretary to Government, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial Budget, I have the honour to say that the time allowed is not sufficient for a full consideration of such important questions, but I give below a few suggestions:—

Imperial Advisory Council.

2. I have no suggestions to offer. I am glad to see that it is proposed to appoint the members by nomination.

Provincial Advisory Council.

3. I would urge the importance of adequate representation of the tea and jute industries.

Imperial Legislative Council.

4. I do not consider that the proposals made in paragraph 12 (2) D. (*c*) and (*d*) will give satisfactory results. Nobles and great landowners and Muhammadans of position will accept as an honour a nomination of the Viceroy, but the best men will not come forward if they have to convass for votes in order to secure election. I venture to suggest that if really representative men are to be obtained for the Council, the only way to get them is to nominate them. The principle of election does not work well in this country.

5. I note also that the only way in which large industries outside the cities of Calcutta and Bombay can be represented is under Fibre Experts to be nominated by the Viceroy. I suggest that it would strengthen the Council if two members were given to large industries.

Provincial Legislative Council.

6. I would cut down the number of elected representatives as far as possible if they cannot be abolished altogether; the only way in which I believe that a Council representative of all classes of the community can be obtained is by nomination.

7. I beg also to suggest that the opportunity should be taken when the Council is enlarged of giving a representative to each of the two great industries of the Province, *viz.*, tea and jute.

Discussion of the Budget in the Legislative Council.

8. I have nothing to say about this.

Camp Ataikula, Pabna, 18th November 1907.

My dear Henniker,

By your Circular No. 844J., of the 11th instant, you have asked me for an expression of my opinion on the subject of the formation of the Advisory Councils (Imperial and Provincial) and the enlargement of the Legislative Councils. As my own personal opinion seems to have been asked for I am not dealing with the matter in office.

As regards the Imperial Advisory Council it seems to me unnecessary for Government to tie its own hands by laying down that only territorial magnates will be appointed—clause (3), paragraph 5 of the Government of India letter. There may be occasions when Judges (Indian), or retired Judges of the High Courts, leading lawyers or merchants in the various provinces, etc., might be suitably nominated. If proper and sound advice has to be taken, there is no reason why such classes should be permanently excluded from the Advisory Council A few seats at least might be offered to them. And it also seems to me that the members of the Imperial Legislative Council should be ex-officio members of the Advisory Council. With reference to the Provincial Advisory Council it seems (paragraph 6) that there will be no such restrictions. I beg to point out here that, as far as my experience goes, lawyers and other middle class men in the *mofussal* districts know as much about the general condition of the people as the *zamindars*. With regard to paragraph 9 of the Government of India letter, it has to be mentioned that many of the barristers and pleaders are also landholders.

As regards the enlargement of the Imperial Legislative Council, I have nothing much to say except that it seems invidious to create a special electorate of Muhammadans. It is not as if they were specially fit to elect representatives; on the other hand, the argument is that they are backward. I think the same object might be gained without creating this invidious distinction by increasing the number of nominations, under head E, clause (2), paragraph 12, by two and eliminating the sub-clause (*d*) under head D. As regards paragraph 15, the alternative solution seems to me to be more suitable.

With reference to the Provincial Legislative Councils the suggestion to have "caste" representation on the District and Local Boards, clause (*c*), paragraph 22, would not, I think, be a very suitable step. The endeavour should be to break down caste and not to emphasize it in any way. "Class" representation would do all that is needed—there should be four "classes" as mentioned in the Government of India letter, *viz.*, landholders, cultivators, traders and professional men—and I therefore think that the last paragraph 22 of the Government of India letter is the most suitable.

As regards discussion of the Budget in the Legislative Councils, I have had no experience and can therefore offer no useful opinion.

S. C. MUKHERJEE,

Magistrate and Collector.

No. 2575-T.

FROM

THE HON'BLE MR. J. C. ARBUTHNOTT, C.I.E., I.C.S.,
COMMISSIONER OF THE SURMA VALLEY AND HILL DISTRICTS,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dated Camp Kotesima, the 20th December 1907.

SIR,

IN reply to your No. 11487-91G., dated the 9th October 1907, forwarding copy of communication No. 2316, dated the 24th August 1907, from the Government of India on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial Budgets, I have the honour to forward copies of the replies received from the Deputy Commissioners of Sylhet and Cachar, who have been consulted as selected District Officers in this division.

2. I have no special criticisms to offer with reference to the formation of Imperial and Provincial Advisory Councils except to observe that the suggestion which has been put forward to the effect that an enlarged Provincial Council might suffice to perform the functions of an Advisory Council appears to be not only in conflict with the deliberately expressed opinion of the Supreme Government but to be based on an erroneous conception of the functions of an Advisory Council as distinguished from those of a Legislative Assembly.

3. It is stated that in the Government of India's letter that the present election system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled, while it has signally failed to represent other important elements of the community. The problem for solution therefore is to provide for the adequate representation of the Muhammadan community—the monied classes and landed aristocracy—the persons who possess a stake in the country and who have hitherto been excluded from the representation to which they are entitled, as a counterpoise to the monopoly hitherto enjoyed by the professional classes. There can be no question of the general accuracy of this assertion as regards the over representation of the latter though in the case of the Legislative Council of the new province as at present constituted the legal element does not unduly preponderate. It may, however, be said with truth that nowhere is the diversity of races, classes and interests more faithfully reproduced than in the composite province of Eastern Bengal and Assam, and that nowhere is it more desirable that each and all should receive fair representation.

4. With regard to the election of members for the Imperial Legislative Council by the aristocracy and great land owners of the various provinces, it has been suggested that a Provincial electorate varying in size from 100 to 150 might be formed with a restriction of the franchise to persons paying not less than Rs. 10,000 a year in land revenue. It may be said at once in Assam there would practically be no electorate under this qualifications with the exception of representatives of the larger Tea Companies. I am of opinion, therefore, that the objection taken in paragraph 15 of Government of India's letter has very considerable force as regards this portion of the new province. It would, I venture to think, be preferable that the land-holding members of the Provincial Council should elect a representative from their own class to the Imperial Council than to attempt the formation of a special electorate. I also think that the Muhammadan representatives on the Imperial Council should similarly be elected by the non-official Muhammadan, non-official members of the Provincial Council.

As regards the Provincial Council, I may perhaps be allowed to say that the question of representarion by race should not be overlooked. Provision should, I think, be made for the representation of the Assamese population by the election or nomination of an Assamese. There is reason to believe that among the Assamese the feeling exists that by the absorption of Assam in the larger province there is considerable danger of the subordination of their interests—in fact, that Assam and the Assamese may be completly swamped by Eastern Bengal. It would undoubtedly assist to remove this impression if an Assamese gentleman were appointed to represent his countrymen in the Provincial Council.

6. I am also of opinion that a strong case has been made out for the permanent representation of the important Tea Industry, at any rate in the Provincial Council.

7. Adverting to the question of the election of members to the Provincial Councils, proposals have been set forth for a modification of the system of election in the case of Local Boards and Municipalities. I would say that I am not in favour of altering the constitution of the Local Boards and Municipalities in this Division except that perhaps provision should be made for the more adequate representation of Muhammadans on the Local Boards in the District of Sylhet. It is to be remembered, however, that these Boards have been very recently reconstituted under Executive orders, and that hitherto the system which provides for the representation of localities rather than of classes has been found to work well. It would, I think, be preferable to leave the election of Provincial members to recognized Associations of Anjuman than to reconstitute the Boards at the almost certain expense of efficiency in order to carry out an experiment of doubtful issue.

With regard to the discussion of the budget by Provincial Councils, it might be advisable to appoint a preliminary Sub-Committee of official and non-official members to consider it in detail before the actual Council debate takes place—in fact, to hold an informal conference as has recently been proposed by the Government of Madras.

In conclusion, I have to regret the delay in replying to your communication which is due to my absence on a tour along the frontier in the Naga Hills which has involved constant marching.

I have the honour to be,

SIR,

Your most obedient Servant,

J. C. ARBUTHNOTT,

Commissioner, Surma Valley and Hill Districts.

No. 5765, dated Sylhet, the 9th November 1907.

From—The Deputy Commissioner, Sylhet,

To—The Commissioner, Surma Valley and Hill Districts, Shillong.

As requested in your No. 2202—T., dated the 24th October 1907, I have the honour to submit the following note on the proposals contained in the letter from the Government of India referred to therein.

1. With reference to paragraphs 1-6 of the letter, I have no criticisms to make on the proposed establishment of Advisory Councils—Imperial and Provincial.

2. As regards the suggested constitution of the Imperial Legislative Council (paragraph 12), I need only comment on the election of nonofficial members by landholders and Muhammadans. As to the former [Head D (*c*)], the electorate, if limited, as proposed, to gentlemen paying over Rs. 10,000 in land revenue, will vertually leave the province of Assam (excluding possibly Goalpara) unrepresented. In Sylhet two tea companies only pay land revenue over Rs. 10,000. Reduction of the limit to Rs. 5,000 brings in five more proprietors, of whom only the Prithimpasa Zamindars—who are minors—can be considered in any way as representive landowners of Sylhet (*see* list in margin).

Estates paying land revenue

Rs. 5,000—10,000.

1. Maharaja of Hill Tippera.
2. Zamindars of Prithimpasa.
3. Alinagar Tea Company.
4. Imperial Tea Company (Habiganj).
5. Zamindars of Gauripur in Mymensingh.

Rs. 15,000—25,000.

South Sylhet Tea Company.

Rs. 25,000—30,000.

Consolidated Tea and Lands Company.

To include those who are generally considered leading zamindars, such as Raja Girish Chandra Rai, the Mazumdar and Dastidar families and the Chaudhuries of Pailgaon and Selbarash, the limit would have to be considerably reduced. Of course in permanently-settled areas in Sylhet the amount of land revenue bears no definite relation to the value and extent of an estate and is thus unsuitable as a criterion. On the whole the suggestion (in paragraph 15) that a representative should be selected by the landholders of the Provincial Council seems preferable to the establishment of a separate electorate. Similarly, the Muhammadan reprentative [D (*d*)] should, I think, be chosen by the non-official Muhammadans on the Provincial Councils. So far as Sylhet is concerned, Muhammadan gentlemen with the electorate qualification suggested (an income of Rs. 25,000) are very few.

3. The proposals discussed above presuppose considerable alteration in the Provincial Councils. It appears that the latter are to be enlarged and the representatives to be chosen by election are to be alloted to all important classes of the population. It is also apparently considered desirable that the District Boards should be recognised on somewhat similar lines. In the absence of any specific scheme I find it somewhat difficult to comment on these suggestions. I presume, however, that, as in the Imperial Council, so in the Provincial Council, special representatives are to be alloted to landholders and Muhammadans. If this so, the chief point for consideration is the franchise under which these representatives are to be elected. Setting aside the Tea Association, the only existing electorates in the Surma Valley Division, the Local Boards and Municipalities, are of course unsuitable for the election of class representatives. We must therefore either modify their constitution considerably or else establish special electoral bodies. To consider the latter expedient first I should prefer if it were possible to leave matters in the hands of the communities concerned. A District Landholders' Association, for instance, or the Sardar-Anjuman-i-Islamia would probably be as competent to choose suitable members of Council as anybody of voters selected in a property qualification. If, however, formal lists of electors are considered necessary, there would be little difficulty in preparing a register of the more important landholders. Payment of Rs. 500 annually as land revenue might be the criterion, and this limit would probably secure an electorate of reasonable size and fairly representative. The register of Muhammadan voters would be a more difficult matter. The majority of Sylhet Muhammadans are small proprietors (Talukdars) or tenants with occupancy rights (jotdars), both classes as a rule cultivating their own holdings. A high property qualification would exclude the majority of the community : a low one would produce an electorate of unmanageable size : and in any case the labour involved in preparing and checking the register would be very great. I cannot at present form any estimate of the numbers which any given qualification (*e.g.*, payment of Rs. 50 land revenue) would place on the register.

Assuming that electorates have been established, whether District Association or formal registers of voters, it remains to be considered whether these should be independent bodies, exercising their right of election directly, or whether they should do so through the Local Boards. The question thus raised is of considerable importance. The Government's letter apparently assumes it to be desirable that local authorities should be recognised as political organisations. This seems to me open to question. I am aware that in theory the distinction between local and political affairs is not easy to define, and that in practice bodies constituted to deal with the former only do not always restrict their activities accordingly. But I know of no attempt in modern times to invert local authorities with a deliberately political character either as regards the franchise under which they are elected or the powers which they administer; the tendency is in the other direction. The Government's suggestion seems to be based on a theory which is novel and to my mind unconvincing. The wisdom of applying this theory to the Surma Valley Local Boards is also doubtful. In the Boards as now organised, class interests are not forgotten, but the intention is to represent localities rather than classes. The result in most cases is a body which is not only representative but also fairly efficient; it may be doubted whether any new scheme based on class representation would give us as much. For these reasons I am in favour of retaining the Local Boards as now constituted and of leaving the Council elections to bodies specially created or recognised.

If, however, it is considered essential that Boards should be brought into more direct relation with the Provincial Council, and that the constitution of these bodies should be assimilated, no doubt a workable scheme of class representation might be devised. The number of elected members might, for instance, be increased and seats allotted to landholders and Musalmans, represented by the special bodies suggested above; to cultivators, represented as now by the rural panchayats; to traders, represented by mercantile payers of income-tax; and to lawyers, represented by the Bar Library. The members representing the various classes on the different Boards would form the electorate of these classes for the district or division as a whole.

4. I doubt whether any alteration in the voter's register of the Sylhet Municipality is necessary. The present qualification is the payment of Rs. 3 in rates and is sufficiently high, the division into electoral wards gives a fairly representative body of Commissioners and should not, I think, be altered into a system of class representation without the approval of the Municipality. I have had as yet no opportunity of ascertaining public opinion on this question.

No. 3156, dated Silchar, the 12th November 1907.

From—The Deputy Commissioner, Cachar,

To—The Commissioner, Surma Valley and Hill Districts.

I HAVE the honour to acknowledge the receipt of your letter No. 2202-7T., dated the 24th October 1907, asking for my opinion on the proposals of the Government of India with regard to the formation of Advisory Councils and the enlargement of the Legislative Councils.

2. I understand that various gentlemen in this district have been consulted direct, and as only one copy of the proposals was sent me and a very early reply was required, I have only consulted my senior Extra Assistant Commissioner, Maulvi Mahmud Azhar, whose opinion is entirely favourable to the scheme.

3. The proposed constitution and functions of the Advisory Councils, Imperial and Provincial, appear to me to be admirable, and the inclusion of a member of Ruling Chiefs in the Imperial Advisory Council should be of great value to the Government, and at the same time should strengthen in the Native States the feeling that they form an important branch of the Indian Empire.

4. The main objects aimed at in the proposals for the enlargement of the Legislative Councils are to secure adequate representation (1) of the landed aristocracy, and (2) of the Muhammadan community, neither of which have in the past had their fair share of influence in the Councils.

5. It is proposed that lists should be prepared of the great landholders for each province and that they should elect representatives of their own class direct. In the case of the Provincial Councils, I think this plan should work satisfactorily, the electorate areas being defined by the divisions of the province and the more important divisions being entitled to extra representation either permanently or in rotation amongst each other. But the temporarily-settled portion of this province

could not be represented in this way, and would need to be campensated by special representation in the Provincial Council.

6. The objection alluded to in paragraph 15 of the Government letter to massing together for voting purposes the entire body of landholders in a province seems to me of much gravity, and for the purpose of election of landholders to the Imperial Council I think the electors should be land-holding members of the Provincial Council and their nominee either one of themselves or of the class by which they are elected.

7. I think it probable that those of the great landlord class best fitted for the Imperial and Provincial Council could be obtained by nomination, but as representatives of the interests of the people, elected members will, I think, command greater confidence than nominees of Government. In this case I am a believer in the proverb—" Le mieux est quelquefois 1, ennemi du bien "— and I think the Council will inspire greater confidence if a considerable proportion of the members are in a position quite independent of Government.

8. For the adequate representation of the Muhammadan community in the Imperial Council the proposals contained in paragraph 18 of the Government letter appear to be sound and workable. There should, I think, be little or no difficulty in preparing a list of voters who pay income-tax on an income of Rs. 25,000 or whose income from all sources is not less than that amount. The qualification should, I think, be stated thus, not as in clause (*c*) of paragraph 18 of the Government letter. It would then be simple by reference to Cess Returns and Income-tax Registers to estimate the amount of income, and cases of doubt might be referred to the Lieutenant-Governor for decision. The electorate so formed would not be very large. Most of the non-official Muhammadan members of a Provincial Council will probably have votes—confined to Councillors—to elect two members of the Imperial Council—the representatives of the non-officials and of the landholders—and I think in the election of their special representative they should share their responsibility with their leading co-religionists not in the Council.

9. Turning to paragraph 17 of the Government letter, it is difficult to offer an opinion on the subject of the election of Muhammadans to the Provincial Councils without having any definite idea how the latter will be composed. Assuming, however, that the membership of the Council of this province is doubled, it may be that about 5 seats will be reserved for Muhammadans. Of these, two might be filled by nominations, and the remainder by election in the divisions in the following proportions,—

Dacca	1
Rajshahi	1
Chittagong	⅔
Surma Valley	⅓
Assam Valley	Nil.
Total	3

I think not less than Rs. 100 land revenue should be the minimum to qualify for voting power.

10. In paragraphs 21 and 22 of the Government letter proposals are put forward for the modification of the systems of election to District Boards and Municipalities. But the method of election to the Local Boards of Assam is very different from that described and is suitable to local circumstances.

I do not think any alteration need be made either as regards the Local Boards or the Municipalities, nor do I think it necessary that a special qualification for members of Council elected by Local Bodies should be insisted on. Most of the non-official members of Council will necessarily be men of wealth and position, but I do not think it would be wise to insist that the Councils should be a rich men's preserve.

11. The proposals in paragraph 23 for a more systematic discussion of the budgets in the Concls are almost a necessary sequel to those for the enlargement of the Councils, ad I have no comment to offer.

Dated Silchar, the 13th November 1907.

From—Babu HARI CHARAN DAS, Government Pleader, Cachar,

To—The Commissioner, Surma Valley and Hill Districts, Camp Shillong.

I have the honour to acknowledge receipt of your office no. 2202-7T., dated the 24th October 1907, with a copy of the communication (noted on the margin), from the Government of India in the Home Department, and to state my humble opinion on the subject of the formation of an Imperial Advisory Council, as follows :—

Nos. 2310-2317, dated the 24th August 1907.

I most respectfully beg to state that I feel great diffidence in expressing my opinion on the subject. Since the partition of Bengal was first proposed, many matters affecting the interests of India and of Bengal in particular have cropped up and have been discussed by men of light and leading in India. I was overawed by the magnitude and paramount importance of the several issues involved, and, owing to my inability to consider and comprehend them fully and properly, I shrank from passing any opinion on the public acts of the greatest statesmen and highest functionaries in India and out of it. When I had the honour of being asked by you to express my humble opinion on the subject of the formation of an Imperial Advisory Council, I thought over the matter, and I was more than ever convinced of my own littleness and inability to deal with such a momentous matter fully and properly. But it is, however, my bounden duty to comply with the requisition.

With all my feelings, I believe in Providential action. Political puritans may not like it, and may scoff at it. But I feel I must not conceal my conviction. I believe British Rule in India is a God-send and the Rulers before and after the Queen's Proclamation have discharged the providential trust well, and I fervently believe that the destinies of India could not have been placed in better hands, and England will do her duty to India and give her all that she wants, and when the time comes India will reach the climax of her glory and shed an amazing lustre all over the world, as she did in the glorious past.

The Queen's gracious Proclamation is another Providential act, and marks an epoch in the annals of India. I retain to this day the impression that was made by it on my mind when I was eight years old, and the Proclamation was well received by the people and the expansion of the powers and privileges received by them and their extensive participation in the administration of the country and the gradual development of self-Government and the prosperity of the country created in their minds the deepest reverence and love for the most virtuous Sovereign in the world, and the hearty homage they paid to her in the course of her long and glorious reign would rank with the homage paid by devotees to the deity they worship. If this royal edict was passed in prehistoric times it would, for its sublimity, solemnity and pathos, be regarded as a divine message.

I think the best and highest form of Government is that which aims at the establishment of the kingdom of heaven on earth. Of course, the time has not come for the realization of this high ideal, and may not come at all. Nevertheless, it is closely associated with the Indian idea of Government. The Indian—nay the Asiatic—idea of Government, is that it derives its sanction from the Creator of the Universe, and it deserves to be considered by those who are responsible for the administration of India. The cultivators think that the Government is responsible for the drought which is now affecting their crop.

Rationalism has begun to do in India what it has already done in Europe, and even the Russian Empire and the Ottoman Empire are not free from its influence. The common people of India, who form the bulk of the subject population of His Imperial Majesty, are not yet affected by rationalism. Religious fanatics and political agitators and seditionists often appeal to the religious beliefs and prejudices of the masses with a view to incite them to do unlawful things and to cause disaffection, and I have noticed that itinerant bards or singers who have been signing national songs to crowds of people since the partition of Bengal, effectively tell them that English-made salt and sugar are adulterated with things which are un clean and impure according to Hindu and Muhammadan scriptures. This is of course done to boycott of foreign goods. Many people think that Indian sepoys mutinied in 1857 because they were led to believe that unclean and impure things were mixed with cartridges used by them.

Primary education in India is very limited, and the masses are illiterate and hold crude and strange notions about Government. They know very little of the outside world, and I am credibly informed that the masses are not affected by the present

agitation against the Government. A few designing people here and there do mischief for wrongful gain, but the bulk of people are unaffected by it. They are satisfied and contented with the security of person and property they have enjoyed since the establishment of British Rule in India. The administration of justice under British Rule has made the deepest impression in the minds of the people, and it will last for ever, and will not be affected by any agitation against Government. The Hindus, according to the injunction of their scriptures, appreciate knowledge and condemn ignorance, and they will like primary education very much. The authorities may take note of what has recently happened in Russia, and take steps for the diffusion of knowledge among the masses. The Indian Administration may take note of another thing, which is seriously affecting the Indian Society at the present moment. Rationalism has set in, and Education has developed the minds of the higher classes of Indians to such an extent, that the new current of scientific thought is sapping the foundation of the Indian Society and wrecking its archaic institutions and doing away with its old traditions, and demoralisation of the society in an appalling form is apprehended. The advocates of Hinduism are trying in vain to maintain the old traditions and shaky institutions, and the new creed or faith of *Bande Mataram*, which is materialistic in its tendency, cannot stop it (demoralization). Our young friends who utter *Bande Mataram* in season and out of season, are not generally respectful to their parents and superiors. and recklessly infringe rights which are upheld by the law of the land as well as by natural religion and universal morality. I am shocked at the immodest boldness of schoolboys and irresponsible persons shown by them in finding fault with the acts of the highest functionaries in the land. The people should not only be good citizens, but they should also be morally and religiously good men, and although the Government cannot directly interfere with the religion of the people, much can be done to retain all that is good in the old institutions, so far as natural religion and universal morality will allow. What I have stated above may not have a direct bearing on the opinion I am required to give, but my object in doing so is that the Government of India may take it into their consideration in selecting members who are capable of advising them in such matters.

I therefore beg to submit that religious teachers, moralists, and educationists of unexceptional character, who exercise great influence over people of all creeds and colour should be associated with Councillors selected from other classes.

It is said a cloud is visible on the horizon of India. I mean the "unrest" that now prevails in the country. The immediate cause of the unrest in the Bengal Presidency may be the partition of Bengal. But there are other causes which may have brought about this tension of feeling between the Indians and Englishmen in India. The East India Company, who took the initiative in establishing British Rule in India, was an English Trading Company. The bulk of the British subjects in India seem to think that India is still ruled on the mercantile principle of loss and profit, and not for the benefit of the people. Before English princes began to visit India and Indians began to visit England, many people used to say that England was situated somewhere near Ceylon, and English Sovereigns where mythical personages, and for the same reason many people look upon the Institution of Co-operative Societies and other measures adopted by Government for the financial improvement of the country with suspicion. And I was surprised when a friend of mine, who is old and well-meaning, and a man of some culture, told me that the venerable mother of our King-Emperor had died long before her death was publicly announced, and that the matter was suppressed for a political purpose. These erroneous notions are due to want of contact between Englishmen and Indians, who have not properly studied the character of Englishmen and English Rulers in India. I think Indian gentlemen who have seen England and Englishmen in England, and who freely mix with their countrymen and are qualified to sit on the Council, should be made members of the proposed Council, for the purpose of informing the people of the true character of the British Officers in India and of the British nation, and the benevolent intentions of the Government of India and the integrity of their purpose. Since the Queen's Proclamation the Government has done much to meet the claims and anticipations of the Indians. The Queen's Proclamation followed the mutiny of 1857, and as the unrest now prevailing in India is engaging the attention of Government, I think the formation of an Imperial Advisory Council on the lines indicated in the communication of the Government of India is a concession of rights and privileges worth being coveted. This is one of the best things that could be done by Government under the present circumstances. It is an act of true statemanship, and all India ought to be thankful to His Excellency the Viceroy of India for this boon. In my humble opinion, the concession is supplementary to the Proclamation, and is calculated to satisfy the people to a

considerable extent and restore order and peace where they are wanting. It is "Divinity that shapes our ends, rough-hew them how we will." In my humble opinion the agitation has done a good thing. In it I see the dawn of altruism and the growth of public spirit which enable men to devote their energies and resources to the service of their country. This altruism, or public spirit, is especially necessary to the execution of the good work intended to be done by the Advisory Councils. This public spirit may be utilized in advising and helping the Government, instead of its being wasted in agitation against it. The coronation of Mr. Banerjea was a sad mistake. All patriots should be above such weakness. The deportation of Lala Lajpat Roy is very much condemned by our country men, but they seem to forget that Ram, the Raja of Ayodhya, who is held in the highest veneration by the Hindus, sent his innocent wife, Sita, into exile, under painful circumstances, for no other reason than to remove a cause of discontent, for his subjects suspected her and did not think well of her on account of her long residence in the Court of Ravana of Lanka Rama. The King, like Julius Cæsar, thought that his wife must be above suspicion. Patriots ought to be prepared for temporary privations, and, if need be, for perpetual banishment for the good of their country. There is a feudatory relation between the Paramount power and Native Chiefs of India. British Indian subjects and subjects of the Feudatory States in India freely mix for all purposes, and if a Ruling Chief be on the Imperial Advisory Council, he will command the respect of the people, and in that way may do much good. Perhaps it will not be advisable to consult the members of the Advisory Council in matters relating to military operations and other military matters and also matters which come under the category of State Secrets. For such matters may not bear divulging.

The Indian peasantry, including the labouring class, possess large and important interests in the country. But it appears that no express provision has been made for their representation in the Advisory Council. Plagues and famines in India are other important matters, and the experts to be nominated by His Excellency the Viceroy may be consulted in these special matters.

I feel I am not competent to speak on matters of detail.

Nothing can be said now as to how a Council so large and composed of members of different classes and creeds will work. If, however, the members act in harmony and in a disinterested manner, and that from a public point of view, immense good will come out of it. It would be very gratifying to the people to find that their leaders will be taken into the confidence of the Government and they (people) will be given means and opportunities to bring their grievances to the notice of the Government. This concession is in keeping with the traditions of India. For Hindu rulers in prehistoric times used to consult *Munis* and *Rishis* and act upon their advice. But these *Munis* and *Rishis* were not paid for their services. The rulers in return protected the *Munis* and *Rishis* when they were molested by the *Rakshasas*. Vikramaditya reigned in the century immediately preceding the Christian era, and he had an Advisory Council of nine pundits or learned men. The Muhammadan rulers who followed the Hindu rulers used to take Hindu chiefs and noblemen into their confidence.

Patriotism is good a thing, and I am for the development of indigenous industry in a legitimate way. Many men of light and leading who are interested in the national movement may be on the Imperial or Provincial Advisory Council. It is for them to consider whether the wealth of a nation may increase without free trade between their country and other countries. It is for them to consider whether in boycotting foreign goods, they will not forfeit the sympathy of foreign countries when India will severely suffer from famine, inundations, and other dire calamities. I think the masses are deeply attached to the King-Emperor of India and are sincerely loyal. May the leaders of our country be always loyal to their sovereign, true to their country, and true to themselves.

No. 160, dated Sylhet, the 13th November 1907.

From—Maulvi Syed Abdul Majid, B.L., Chairman, Sylhet Municipality,

To—The Commissioner, Surma Valley and Hill Districts, Silchar.

With reference to your memorandum No. 2202-7-T., dated the 24th October 1907, I have the honour to state as follows:—

1. That the proposal of the Government of India to take only the ruling chiefs and big territorial magnates to the "Imperial Advisory Council" is a very sound one, and should, I think, meet with the approval of all classes of His Majesty's subjects.

2. To the Provincial Advisory and Legislative Councils opportunity should be given to all the districts of a province which, if necessary, may be divided into groups and empowered to vote in rotation.

The interest of the less advanced districts should also be safeguarded, and a limit should be fixed to the number of lawyers to such Councils who very seldom represent the great majority of the people; at best they may be said to represent the microscopic minority of the educated people.

The criterion of income of the landed and other interests should not be the same for all the districts. Thus, in Mymensingh there are many zamindars who have an income of a lakh or over per annum, while Cachar and several districts of Assam have not probably a couple of zamindars who have an annual income of Rs. 10,000, while in Sylhet there are, I believe, not to be found a dozen of zamindars with an annual income of Rs. 20,000. The above remarks apply to the election of Muhammadans. Besides, the number of votes should vary according to the population of Muhammadans in each district. The voting power should also be given to the graduates of any University and members of the learned professions besides zamindars, merchants and other classes. The representative Anjumans should also be given power to vote.

No.

FROM

MAJOR H. W. G. COLE, I.A.,

SUPERINTENDENT, LUSHAI HILLS,

To

THE COMMISSIONER OF THE SURMA VALLEY AND HILL DISTRICTS.

Dacca, the 18th November 1907.

SIR

REFERRING to your letter No. 2202-7T., dated the 24th October 1907, on the subject of the extension of the Imperial and Provincial Councils and the formation of Advisory Councils, I have the honour to submit the following observations :—

Imperial Advisory Council.

2. The usefulness of this body may be considerable as a means of explaining the intentions and objects of Government, removing misapprehension and giving a valuable hall-mark to the measures it accepts. But it should be composed of members of unquestioned loyalty incapable of utilising its deliberations to undermine or misrepresent the objects of the executive for political motives.

Provincial Advisory Council.

3. With an enlarged Provincial Legislative Council it is not easy at first sight to recognize the help the Provincial Advisory Council could give which could not be equally gained from the Legislative body. Two grounds for its creation suggest themselves however :—It might be desirable to exclude certain Legislative members from the Advisory body which should presumably enjoy the full confidence of Government. It might also include two or three religious leaders, a Brahmin and Muhammadan Maulvi and one of the Assamese Gossains to represent the religious preferences or prejudices of their followers. But with these possible exceptions I am of opinion that an enlarged Provincial Legislative Council could very well perform the requisite Advisory functions.

Governor General's Legislative Council.

4. The only suggestion I have to offer is that the qualifications for the electorate of the Provincial member from the great landholders and nobles should be more stringent. A Provincial electorate of not more than 50 should be ample and offer fewer facilities for exploitation by political wire-pullers.

Provincial Legislative Council.

5. The increase in the number of official members of the Council from 7 to 15 would allow of an addition of 7 non-official members, raising the total number of such members to 15. The additional 8 official members would presumably be drawn from the Commissioners of the Province and the Departmental heads, but if Council meetings at which their presence was imperative were frequent or prolonged, the resultant administrative inconvenience would be considerable. Of the 15 non-official members, 10 might be elected and 5 nominated.

The following distribution of the elected members suggests itself :—

Tea Associations, Assam and Surma Valleys alternately ...	1
Narayanganj Chamber of Commerce	1
Port of Chittagong	1
Provincial Muhammadan Association	3
The professions, *i.e.*, Barristers, Doctors, etc.	2
(The electorate in this class being composed of graduates and in the case of the medical profession diploma-holders qualifying for appointment to Assistant Surgeons.)	
The mercantile community	2

These should be nominated by the Samajes of the chief trading castes. The Marwaries of Assam should be given an exceptional vacancy at intervals proportionate to the interests they represent.

The Assamese representative should be nominated and the other four vacancies at the disposal of the Local Government should fall to classes not otherwise represented.

Discussion of the Budget in the Legislative Council.

6. The proposals of Government for the discussion by heads or groups of heads are commendable, but the detention of the whole Council by a prolonged Budget debate would cause dislocation of the administrative machine. To obviate this it is worth while considering the alternative of appointing a Budget Committee of reasonable dimensions, say, a dozen members, to discuss all details and to limit discussion by the whole Council to the general debate indicated in paragraph 23. The deliberations of the Budget Committee might be public, but all matters not having direct reference to the budget discussion should be vigorously barred both in Committee and Council.

7. It is obviously the desire of Government to extend the association of the classes that have a real stake in the country with its administration, with the object of gaining real assistance from such association. The Council Chamber will, it is hoped, cease to be the platform from which the professional politician will get his most valuable advertisement. With this end in view it is essential to attract genuine representatives of all classes who would be more likely to forfeit the confidence of their followers by an insistance on barebrained schemes of impossible reform than to excite their admiration. To me it appears doubtful whether gentlemen of this calibre would care to submit themselves to the suffrages of any but a most limited electorate. India is not yet ripe for the introduction of Western methods of representation, and the general adoption of the executive system would, with very few exceptions, drive all self-respecting Indian gentlemen of repute from the Council Chamber.

I have the honour to be,

SIR,

Your most obedient Servant,

H. W. G. COLE,

Superintendent, Lushai Hills.

MEMO. No. 5702.

Silchar, the 4th December 1907.

SUBMITTED to the Chief Secretary to the Government of Eastern Bengal and Assam, with reference to his letter No. 11487-91C., dated the 9th October 1907.

By order,

J. C. ARBUTHNOTT,

Commissioner, Surma Valley and Hill Districts.

FROM

BABU KAMINI KUMAR CHANDA, M. A., B. L.,
VAKIL, HIGH COURT, SILCHAR,

To

THE COMMISSIONER OF THE SURMA VALLEY AND HILL DISTRICTS DIVISION.

Dated $\frac{\textit{Shaistaganj}}{\textit{Silchar}}$, *the* $\frac{24}{28}$*th November* 1907.

SIR,

I HAVE the honour to acknowledge with gratitude your invitation to express my opinion on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial budgets as described in letter No. 2310-2317, dated Simla the 24th August 1907, from the Officiating Secretary to the India Government to all Provincial Governments. I was away to Colombo during the last month, and your letter, after following me from place to place, only reached me on my return to Silchar last week. This delayed the submission of my views, and they could not be sent within the time mentioned in your letter. I do not know whether this letter hurriedly written on the way will reach you in time.

2. My first respectful submission to Government is that it is unfortunate that the present proposals which indicate a desire on the part of Government to meet the growing demands of the people to a larger share in the administration of the country should in public estimation bear marks on them of being "belated." Such as they are, the present proposals and the recent appointment ot two Indians to the Council of the Secretary of State for India, if Government could see their way to have made them two years ago, would almost certainly have largely contributed to create environments which would be uncongenial to the growth of the present unhappy state in the country. I do not know if the Government views the matter in this light, but it seems to the necessarily limited observation and judgment of a humble individual like myself that the proposals have failed to arouse any enthusiasm at all proportionate to the value of the gifts or concessions or rights, by whatever name they may be called, which Government are now offering. In this view it would, I submit, be wiser to make the scheme more comprehensive and confer rights or gifts which would, in the present state of the country, be considered as more substantial and would thus tend to create a more contented state of public feeling.

3. The idea of associating the great Ruling Chiefs of India, in however a small measure it may be, in the administration of the country is very happily conceived and will make towards better government of not only British India, but of the various Native States. Perhaps the present proposals do not go far enough; but of course they are tentative and as a sort of feeler.

4. I am not sure if the Indian public opinion has very much been impressed with the idea about the Advisory Councils. The amount of participation which it would confer upon the "Councillors" does not seem to be very tangible, and it is somewhat doubtful if the public have realised what are their exact scope and functions. The object seems to be make them a sort of interpreters between the Rulers and the Ruled. It is more than doubtful if the object will be realized. The scheme is based on an idea —I would not presume to call it assumption— that the landed aristocracy are the "hereditary" or "natural leaders" of the people. But whatever may have been the real fact in the past, this idea is very erroneous now; the zamindar *as such* is not—at least, no longer is—the leader. Whether it is "natural" or otherwise, leadership has passed out of the hands of *mere wealth*— assuming it to have at one time held it —into those of the gaeat middle classes. Kisto Das Pal did not belong to the landed aristocracy—the class from which he sprang is, even now through ignorance to be

sure, looked down as very low; but can it be denied that he led the great zamindar of Bengal? It is an illustration, and other names could be cited as well. I believe this state of things obtains in the West also. Nor is it historically correct either to look upon the landed aristocracy as the "hereditary" leaders of the people. It was the landless and poor Brahmin, and not the zamindar, who was the law-maker and "natural leader." Among the Musalmans, too, I believe, the influence of a really learned and pious maulvi is in no way less than that of a zamindar. In any case, it would not be a correct observation now to make that the zamindars, *qua* zamindars are natural leaders of the people. If Government pleases to revive or perpetuate Indian national forms of leadership, learned maulvis and pandits should be invited to join the proposed Advisory Councils. If, on the other hand, they are to be formed on Western models then also it is the great middle classes wherein must be looked for men whose voice ond opinion will be implicitly followed not only by the masses, but the great landed aristocracy even. I need hardly explain that there are zamindars who by their culture, intellectual attainments, sanctity, and independence of character are certainly undisputed leaders of their people and who would indeed lead in any position they might be placed; but it is not due to the fact of their belonging to the landed aristocracy, but to their character and enlightenment.

5. But tha idea of the functions of the " Imperial Councillors" being those of mere interpreters between the Rulers and the Ruled does not appeal to my judgment as very sound. The people will not readily accept without misgiving any message from, or interpretation of any measure of, Government through their agency. Surely Government cannot be unaware that, with some exceptions, these territorial magnates live in absolute detachment from the outside public—out of all touch with the people whose representatives they will virtually be expected to be. They can only deliver their message vicariously, which cannot inspire much confidence. Results may often be disastrous. It would almost be difficult to realise what would be the sphere of their usefulness in view of the circumscribed limits of selection and the limitations placed upon their functions. The institution is bound to lack vitality through sheer inaction—I was going to say inanity. The Councillors themselves will it is apprehended, chafe under the restrictions placed upon their jurisdictions; their position will simply be place without power, which, as Lord Roseberry described on a recent historical occasion, is purgatory. On the whole, I doubt if a real sphere of usefulness has been conceived or discovered for the proposed Councillors in the scheme.

6. The Legislative Councils offer a more tangible sphere of activity and usefulness. But a mere amplification of the constitution only, which (with the exception of a proposal for improvement of the budget discussion) the Government apparently contemplates, will hardly satisfy the public. It must have struck Government that there is no longer that keen contest or feverish excitement which marked the early elections to the Councils. It is not merely to "boycott" the new province that Indian candidates in various instances declined to stand for election or to take part in elections to the recently formed Council, but in the older province, too, the position of the Hon'ble Member of Council has lost much of that glamour which formerly illumined it. It is from a consciousness that one cannot do much real good to his country, more than anything else, that one's public spirit does not now prompt one to aspire to that once-very-much-coveted honour. The dignity attached to the position has also undoubtedly been considerably diminished, the causes af which need hardly be discussed here. I feel sure that Government cannot be fully ignorant of the change that has come upon the educated communities in this matter. The Hon'ble Dr. Rash Behari Ghosh was once a candidate for election to the Bengal Council, but it required a good deal of coaxing to induce him to accept a seat in the Imperial Council now.

It behoves, therefore, that Government should make the Councils really attractive to persons who would be acquisitions to it—not indeed for the mere object of having them on the Councils, but because they will, by making their ripe judgment and cultured experience to bear on the deliberations, be able to help the Government in making good laws materially.

The proprosal to enlarge the Councils is hailed by every section of the public as a move in the right direction. But here, again, Government evidently experience an unexpected difficulty (which is, however, more imaginary than real) and approach the question from an admittedly wrong point of view. Government find itself in

this difficulty, that an increase of non-official members would necessitate the deputation of a corresponding number of officials in the Councils in order to keep up the official majority. And as with the growth of the size of the Councils considerable time would be spent in the debates, it means a serious inroad upon the public services for the requisite draft of official members. Hence "the necessity of maintaining an official majority thus implies the necessity of limiting the number of non-official members": This is of course the inverse order of dealing with the question. But is this difficulty real? I respectfully submit, not. Nobody would suggest that the Government in this country is in the same position as in England, and that defeat of Government on any matter means that it should walk out, making room for the opposition. The question of defeat of Government does hardly arise. The position I conceive shortly is this: The Government, as the paramount power, offers a legislative measure before the public and the Council, which it wishes to pass after making such amendments as after a full discussion it deems desirable. The non-official members propose such amendments as suggest themselves to their minds, it may be that the non-officials may be unanimous in demanding such modifications; and they give their reasons for the consideration of the Government. But the Government do not feel justified in accepting them. Well, in that case, although the Council, that is the majority thereof—or it may be the whole body of the non-officials,—may be in favour of it, it need not be made law. In that contingency, I would suggest that it should be in the power of Government by recording its reasons to disallow the amendments. No doubt it may appear to be somewhat arbitrary: yet I am persuaded to think that it would be less distasteful than the practice of defeating the non-officials by an artificial majority of official members. The existing practice is objectionable in many serious respects, and is no less arbitrary than the suggestion I have ventured to make. The "mandate theory" about the voting of official members, which was publicly enunciated by a former Viceroy, has not been withdrawn. It is desirable that as much non-official criticism should be made available in Council as is practicable, and this can only be secured by increasing the non-official element. But if an official majority has to be kept up, this cannot be done. If the suggestion I have ventured to put forward is unacceptable, I would then suggest that a sufficiently large number of non-official members be added, quite irrespective of the number of officials, who can be made available to be put on the Council: to keep up a majority of official votes, a number of the added non-official members may be declared to be without voting powers. Such a provision would not be without precedent.

7. With regard to the scheme described in paragraph 12 of the Government of India letter about class representation, I am afraid it is not free from the fault of cross-division. The idea underlying the scheme of there being a conflicting interest in legislation seems to be groundless. There are undoubtedly cases where there will, or may, be a clashing of interest (not racial); but that is hardly provided against in the scheme; on the other hand, the racial factor has been introduced, which, I submit, is not desirable. When tenancy legislation is under consideration, there should be representatives of tenants as well as zamindars in the Council: when the contract law is discussed, there may be representatives of money-lenders and debtors, but I do not conceive what clashing of interest can there be between Hindus and Muhammadans as such? The occasions, if there be any, will be few and far between and can very well be provided for as they arise, instead of keeping up a permanent cause of fanning up a racial antagonism implied in such a division. The Hindu is equally affected by the laws made with the Muhammadans; is there any preferential treatment conceivable in legislation in India as regard races? The best representatives of the country, be they Hindus or Muhammadans, should be returned. Is it true again that Hindus always return Hindus and Muhammadans Muhammadans An emphatic contradiction to this is furnished by the unanimous re-election for the third time of the Hon'ble Nawab Sayed Muhammad to represent Madras on the Viceregal Council. In the latest election for the Bengal Council, namely, to represent the University, no doubt the Musalman candidate failed to score his Hindu rival (who is senior to him), but if the votes are looked into, it will be seen how many Hindu votes were given for the Musalman. To compare great things with small, at the last general election for the Silchar Local Board, all the Indian members (excepting my humble self, who was the only candidate proposed to represent the town) electedwere Musalmans. The senior member from the important ward of Janiganj in Silchar Municipality is a Muhammadan, who was returned by a majority of Hindu votes. If there has been only a few Muhammadan members, it is not because Hindus have not voted for Muhammadan candidates, but because there has been a paucity of Musalman candidates. How many Muhammadan members were in the Councils before the elective system was introduced? How many Muhammadan

Judges are there in the High Courts and Chief Courts of India or the Indian Civil Service either? Has there been a single Muhammadan Vice-Chancellor of any University? These appointments are not contingent on Hindu votes. If there were candidates like the late Mr. Justice Badaruddin Tyabji, Sir Sayed Ahamad Khan, or Mr. Justice Muhammad (for obvious reasons, I do not name living persons), is it conceivable that Hindus would have preferred a Hindu to any of these? But since some of the respected and esteemed leaders of the Muhammadau community desire that a number of seats should specially be allotted to them, I do not think any educated Hindu will, or should object to or grudge, the same. (As a matter of fact I believe there was a division among the Muhammadan leaders about the matter and a number of the most distinguished Muhammadan representatives did not join the deputation). But, as I said, I believe the educated Hindu community need not and will not grudge the special seats to our Muhammadan friends. In course of time they themselves will come round and see that such special provision is harmful to them in the long run. The scheme on this point is perhaps a little bit illogical. The object of the Government in suggesting the scheme is presumably that there should be a fair proportion of Muhammadan members, and not that all the elected members should be Muhammadans. But the tentative scheme, as put forth, may bring about this result. What is there to prevent the representatives of the members of the Provincial Councils, as well as the nobles, being all Muhammadans? It is by no means impossible, not even improbable. But in that case, too, as the scheme stands, Government will have to fill up the special seats with fresh Muhammadan members Perhaps this was not meant by Government. I simply draw attention to it, without objecting to it, as even in that case, too, I do not think the Hindu community need at all be anxious or need protest. If good candidates be available from among the Musalman community, let all the elected members be Muhammadans: there will be nothing to be apprehensive of. All that is wanted is that we should have members who are the fittest available in the country.

8. With regard to the proposal to allct special seats to the 'nobles,' I think that it is very objectionable on several grounds. What is to be the test? Mere wealth? I am sure the 'noble' themselves will resent, if a man with no honourable antecedents, but who has been just able to collect enough wealth to qualify himself, sits with them; not an absolutely imaginary case? Will female zamindars have votes? Will those who do not know English be eligible? Numerous other difficulties stand in the way of a satisfactory solution. Then, as the Government of India anticipate, what solidarity will there be in an electorate of such heterogeneous units? It will, it is feared, be something like a Council of perfection, and it will be rash to expect that such an electorate will be able to exercise the franchise in a rational or satisfactory manner, and that in a country which, it is supposed, will never be ripe for representative institutions for years to come.

9. I think it would be far more satisfactory that, instead of providing special seats to be filled up in all cases by representatives of special communities, under all circumstances, to come out of such communities themselves, Government should have some seats at its disposal to be filled up by members drawn from different communities who may stand in need of having special representatives at times, whereas by allotting a fixed number of seats to be filled up by representatives of special communities only, the area of selection is considerably narrowed and may—probably will —result in the Council being composed of members of not the proper standard every now and then, as it is quite conceivable that there may not be the requisite number of members available from one community, while there may be plenty in another who would not be made available.

10. In the composition of the enlarged Council, as formulated in the second paragraph, it will be noticed that the lawyer has almost obtrusively been absolutely eliminated. I do not know if the experiment of having a Legislative Council without lawyers has yet been tried. No doubt Government has the power (to borrow a figure from Currency *legislation*) to demonetise any precious metal at any time, but it is by no means certain that the resultant evils will not be more serious than those caused by the obnoxious metal passing as currency. Will any number of 'notables' of indifferent qualifications make up for the absence of one member like Dr. Rash Behari Ghosh, for instance?

11. The proposed provision for splitting up the debate on the budget into different sections will certainly be more useful than the present practice. I would also suggest, for the consideration of Government, whether the right of introducing private Bills could not be experimentally given.

12. It is not in any carping spirit that I have criticised the scheme as above, but in the sincere belief that the Government of India, in inviting public criticisms, desires to see if the public, or any section thereof, consider the scheme tentatively put forth to be defective, and, if so, in what way : so that, should the criticism meet the acceptance of the Government, the scheme may be revised. I regret very much that I had to write out the above opinion while I am travelling and am without any help.

I am,

SIR,

Yours truly,

KAMINI KUMAR CHANDA.

MEMO No. 5705.

Dated Silchar, the 4th December 1907.

SUBMITTED to the Chief Secretary to the Government of Eastern Bengal and Assam with reference to his letter No. 11487-91C., dated the 9th October 1907.

J. C. ARBUTHNOTT,

Commissioner, Surma Valley and Hill Districts.

No. 5459G.

ROM

F. J. MONAHAN, Esq., I. C. S.,
COMMISSIONER OF THE ASSAM VALLEY DISTRICTS,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Gauhati, the 26th November 1907.

SIR,

I HAVE the honour to make the following reply to your letter No. 11487-91C., dated the 9th October 1907, asking for an expression of my opinion on the points raised in the Government of India's letter No. 2316 (Public), dated the 24th August 1907, on the subjects of the formation of Imperial and Provincial Advisory Councils, the enlargement of the Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial budgets. I have yet not received replies from the Deputy Commissioners of Kamrup, Sibsagar, and Lakhimpur, whom I consulted on the above points, nor copies of the replies received from the gentlemen and public bodies in this division, consulted by Government direct, but I submit my opinion now, as I am about to make over charge of the division in order to proceed on special duty. The opinions of the District Officers consulted by me will be forwarded by my successor when received.

2. It is proposed that seats on the new Advisory Councils should be filled by nomination only, while the system of election should be retained for the appointment of a proportion of the members of Municipal Committees and District and Local Boards, and of the Legislative Councils, but with considerable modification. In paragraph 9 of the Government of India's letter, it is pointed out that the existing system has failed to give satisfactory representation on the Legislative Councils to important classes and interests. This is, I think, due to the fact that the elective system is out of harmony with the ideas and sentiments of the mass of the people, and with the organization of Indian society, which is extremely complex and heterogeneous and embraces a very wide range of different standards of civilization, education, and intelligence. The aristocratic sentiment, which is opposed to the theories of equality of votes and of entrusting power to numerical majorities, is very strong in India. Among Hindus it finds expression in the caste system, while among Muhammadans the gulf between the Ashraf or upper, and the Azlaf or lower, class is practically as great as that between the upper and lower castes of Hindus. This ground of objection to the elective system cannot be removed by any raising of the rating or property qualification of voters, as unless the qualification is raised so high as to reduce the constituency to a few individuals, it will be found to comprise a number of distinct social grades. Neither payment of taxes or rent, nor even the possession of an University degree is, in India, a very sure index of social position or civic worth. The principle of caste representation is, no doubt, an excellent one for certain localities and cases, but I do not think that satisfactory representation of any large caste is likely to be secured by election. Every such caste contains a number of sub-castes, representing different grades of society and standards of education and intelligence. The limits of many castes, again, are not very clearly defined, the disputes which may arise with regard to the claims of persons to vote as members of a caste will be very difficult to decide, and it is unlikely that the decisions of Government officers on such questions will give satisfaction. In paragraph 17 of the Government of India's letter reference has been made to the reluctance of Indian gentlemen of position to offer themselves as candidates to a wide electorate.

3. On the other hand, there can be no doubt but that the elective principle is valued by the small but very influential class who have received an English education and who, from English literature, have learnt to associate the democratic form of Government with the ideas of progress and civilization. Some recognition of the principle is necessary to satisfy the aspirations of this class. It must also be admitted that in India the selection of candidates by nomination presents peculiar difficulties and that, under the elective system, there is a chance of good men coming to the

front who would never have secured on official nomination. The problem, then, is to reconcile the conservative and aristocratic sentiment of the mass of the people, and the aristocratic organization of Indian society as a whole, with the democratic tendencies of the English educated class. These tendencies have been recognized by the institution of the system of election of members of District and Local Boards and Municipalities and of Legislative Councils, and it seems natural that professional men, who have received an English education, and understand and value the system, should form a large proportion of the elected members of those bodies. I venture to think that it would be better not to alter the rules of election with the object of securing representation for the more numerous classes, among whom the conservative and aristocratic tradition prevails, and for whom, therefore, the elective system is unsuitable, and that the representation of those classes should, generally, be secured by nomination. This is done, to some extent, at present, a certain proportion of the members of Municipal Committees, and District and Local Boards, and of the Legislative Councils being nominated. Further representation of classes not sufficiently represented now may be obtained by enlarging the Legislative Councils, and in the proposed Advisory Councils. I think, however, that the latter should include an elected element, and I would suggest that all the non-official members of the Imperial and Provincial Legislative Councils should also be members of the corresponding Advisory Councils. The Advisory Councils would thus be formed by the addition of nominated members to the non-official members of the Legislative Councils, and would represent a wider range of different classes and interests than the latter.

4. The scheme of separate election of Muhammadan members of the Provincial and Imperial Legislative Councils, which is suggested in the Government of India's letter, seems open to objection on the ground that it would place the Muhammadans in a privileged position by giving them permanently a double representation on the Councils. It appears to be contemplated that Muhammdan members of the Provincial Legislative Council should be elected by Muhammadan members and *ex*-members of Municipal and Local Boards, supplemented by nominated electors of the same persuasion, as indicated in paragraph 22 (*b*) of the letter, and also by the special Muhammadam electorate suggested in paragraph 17. It also seems to be intended that the Muhammadan non-official members of each of the Provincial Legislative Councils should vote with the other members in the election of a member of the Imperial Legislative Council under paragraph 12 (2) D (*b*), while they would vote again, alone or as part of a special Muhammadan electorate, for a Muhammadan member under paragraph 18. I think that, where the principle of election is applied, it is better that electors of all creeds should meet on a common footing. If it is found that election does not give adequate representation to the Muhammadan or any other important class, the balance may be redressed by nomination, but, in making nomination, due weight should be given to the recommendations of any really representative *Anjumans* or associations of the class.

5. Coming now to the future composition of the Legislative Council of this province, it would appear that, probably, not more than seven non-official members could be added to the existing Council, consistently with the maintenance of an official majority. I would suggest that each of the divisional groups of District Boards should be permanently represented by a member elected under the rules now in force, and two of the groups of Municipalities at a time should be represented by a member each. This would add four to the number of elected members of the Council. I think also that the tea industry and the jute industry should each be permanently represented. The remaining two additional members of the Council might be nominated by the Lieutenant-Governor from among important interests or classes not already sufficiently represented.

6. To form the Provincial Advisory Council representatives of other interests and classes might be chosen. Of the classes selected for representation, some might be castes, others functional groups, and others again religious denominations. Two general tests might be applied in considering the claim of any class to representation, *viz.*, (1) that the class must be fairly numerous, and (2) that there must be some member of the class qualified by education and social position to occupy a seat on the Council. The number of members of the Advisory Council would have to be settled after a special enquiry into the relative claims of different classes, and, as these would be liable to alteration, and new claims might be established, it would be well not to fix the number permanently, but leave it liable to be changed from time to time.

7. Supposing the number of non-official members of the Provincial Legislative Council to be raised to fifteen, the same number of non-officials, in addition, would be required to form an Advisory Council of thirty. The total number of nominated non-official members of the Advisory Council would then be nineteen. Of the eleven elected members, three representing the tea and jute industries and the Commissioners of the Port of Chittagong would, presumably, be Europeans. Supposing the remaining eight elected members to be Hindus, as they might be when the Provincial Muhammadan Association was not represented, four Muhammadans might be nominated as members of the Legislative Council, and of the 15 other nominated members of the Advisory Council a certain number might be Muhammadans, and the remainder might be chosen to represent other communities. The Marwaris and the Shaha traders of Eastern Bengal and Assam might each have representation, and so might the Rajbansi caste, numbering, according to the Census of 1901, 1,617,334 members in the province, and comprising people of widely different social grades, from cultivating peasants to a ruling chief. It might be possible also to nominate to the Advisory Council representatives of important castes peculiar to the Assam Valley, such as the Ahoms and the Kalitas, but this would depend on the claims to representation which might be established by other castes and groups in different parts of the province. I think that it would be well to nominate one of the principal Assam Gossains as representing orthodox Vaishnava Hinduism. Though without English education, these Gossains are usually enlightened men, whose opinions it would often be worth while to have on important public questions, and they are in close touch with their disciples throughout the Assam Valley having their representatives in every important village, chosen from among the most respectable of the villagers. A Gossain would not often be able to attend meetings of the Council in person, but he could give his opinion in writing, and might, as a special case, be represented at meetings of the Council by agent. As regards the Imperial Advisory Council, I would recommend that it should be formed, like the Provincial Advisory Council, by the addition of nominated non-official members to the non-official members of the Imperial Legislative Council, and that it should include, besides ruling chiefs and territorial magnates, representatives of other important classes in each province.

8. Instead of having separate elections of members of Municipal and District or Local Boards by different classes, I would have their adequate representation provided for by nomination, legislation being undertaken, if necessary, to increase the proportion of nominated members of these Boards. In my humble opinion it is not clear that any advantage would be gained by raising the rating or property qualification of voters or candidates for Municipal Committees in Bengal and Assam, or for Local Boards in Bengal, or by prescribing special qualifications for elected members of Council, but I think that the qualification of literacy for voters should be insisted upon, and for this purpose legislation would be required. For the present a simple test of literacy might be applied; later on, it should be possible to prescribe a leaving certificate from a Primary school as the minimum educational qualification. The Local Boards in Assam are constituted not by law but by executive rules, under which the members representing rural circles are elected by chaukidari panchayats in the Surma Valley and in Goalpara, and by *gaonburas* in other districts, and no qualification of any kind is prescribed for candidates. The *gaonburas* do not form a very satisfactory electorate. A large proportion of them are illiterate, and the status of many is little above that of a village menial. Before the issue of the present Local Board Manual in January 1905, a rating and property qualification for voters and candidates for the seats on Local Boards fitted by elected Indian members was in force in the districts of Kamrup and Sibsagar. I think that it would be well to introduce rating and property qualifications for voters and candidates for Local Boards in Assam similar to those in force in Bengal with the qualification of literacy added.

9. It appears that the functions of the Advisory Councils and the Legislative Councils will to some extent overlap. The Advisory Councils will be consulted on administrative measures of importance, while the Legislative Councils will discuss the Imperial and Provincial budgets, and the remarks made in such discussions will be considered in framing the budgets. There are, however, few administrative measures of importance which have not a financial aspect, and, presumably, the Advisory Councils will also be consulted with regard to proposed legislation and with regard to the budgets.

There would be no difficulty in submitting draft bills, before their introduction in the Legislative Council, to the members of the Advisory Council either individually or collectively, or both, for opinion. The precise definition of the respective functions of the Legislative and Advisory Councils with respect to the budgets is more difficult and would require more technical knowledge of financial matters than I possess. I think it very necessary, however, in order that the Advisory Councils may exercise a real influence on the administration, that they should be consulted as fully as possible on the financial arrangements of Government, and especially with regard to Provincial finance. It seems that any consultation of non-official advisers with reference to the preparation of the budget, before it is presented to the Legislative Council, must be informal and unofficial only. Perhaps the existing practice of a general discussion on the financial statement on its presentation in the Legislative Council might be continued and thereafter it might be referred for more detailed discussion by heads to the Advisory Council or to Committees of that body. It is possible that the modification of the Provincial budgets in accordance with non-official advice might be facilitated by a further decentralization of Provincial finance, which I have elsewhere suggested, on the principle of allowing each province to retain the whole of its revenues under main heads, while making a lump contribution towards Imperial expenditure. I think that, in addition to the discussion of the initial budget, the opinion of the Advisory Council or of a Committee thereof should be taken on any important re-appropriations proposed during the year.

10 In conclusion, I may be permitted to offer the opinion that an essential condition of the success of this scheme is that it should commend itself to the educated classes of the population by giving them, practically, a larger share in the administration of the country. Unless there is some clear assurance that a definite advance will be made in this direction, the scheme will not give satisfaction, nor even excite much interest. People will take little interest in the constitution of Advisory Councils, if they think that the functions of the councillors will be merely honorary, that they will be consulted only as a matter of form, and that not much attention will be paid to their advice. There is the more necessity for reassuring the public on this point, as there are certain features of the Government of India's proposals in which the pretext may be found for describing them as reactionary. It would be highly inexpedient to confer, by legislation, authority in administrative matters on non-official councils, but it seems advisable that, on the inauguration of the new scheme, it should be publicly laid down as a principle of Government policy, that, subject to necessary exclusions or limitations, the advice of the Councils shall be followed, in all matters of internal administration, so long as it is not inconsistent with public security and a due regard for the important interests of all sections of the community. There are very few matters in regard to which non-official opinion may not be followed without in any way weakening the authority of Government, but we should be prepared to sacrifice some official programmes, and sometimes to allow the postponement of apparently desirable reforms.

I have the honour to be,

Sir,

Your most obedient Servant,

F. J. MONAHAN,

Commissioner, Assam Valley Districts.

MEMO. NO. 5515

Dated Gauhati, the 28th November 1907.

Forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam in continuation of this office letter No. 5459G., dated the 26th November 1907.

P. R. T. GURDON,

Offg. Commissioner, Assam Valley Districts.

The Reform and Expansion of Legislative Councils.

The scheme sketched out by the Government of India for reforming and expanding the Legislative Councils with a view to giving the people of India wider opportunities of expressing their views on administrative matters, is a just recognition of the claims of the leaders of public opinion, who by their education, honesty of purpose, ability, touch with the masses and loyalty to Government are entitled to great consideration, to have a large share in the representative institutions. It therefore behoves on them to examine very carefully the proposals contained in the Government of India's letter to see in what respects these satisfy the legitimate aspirations of the people, in what points they are defective and to offer their criticisms, not in a carping spirit, but with a view to placing before the Government the shortcomings, errors or defects in the scheme, in order to enable them to arrive at a correct conclusion regarding the real requirement of the people. While it is the duty of the people to speak out their minds freely and to help the Government as loyal subjects of the King and Emperor, it is, I believe, also the bounden duty of Government to grant the people such privileges as they prize and as would conduce to bring about better understanding and better relations between the governor and the governed. It is said that the present Legislative Councils, with always an official majority, are mere shams. Although the official majority is inevitable, yet there are means by which the voice of the non-official members might be made more effective. Much, however, depends upon the quality, character, and calibre of these members. There are some instances of official members siding with non-official ones and two or three cases of Government sustaining a defeat, owing to the opposition of the non-officials members. I will here cite a most remarkable one which I remember well. During the Viceroyalty of His Excellency Lord Lytton, when the Civil Code Procedure Amendment Bill was introduced, Sir Arthur Hobhouse, the then Law Member of the Council, had introduced a section depriving the Munsiffs of the power of taking up civil cases in which Government was a party. The section was retained by the Select Committee, and when the Bill was discussed in the Council, Maharaja Sir Jotindra Mohan Tagore Bahadur most strongly opposed the insertion of the clause. The Council, in the felicitous language of His Excellency the Viceroy, was "so nicely balanced and narrowly divided that the amendment," continued His Excellency, "was carried by a single vote and that vote was, I believe, my own." This may be an isolated case, but it proves a good deal. Sir Arthur Hobhouse was a liberal of liberals and Lord Lytton a tory of tories, The section which the former wanted to introduce was of a most retrograde character, and nobody even dreamt that it would be expunged by such a conservative Viceroy, yet Maharaja Sir Jotindra Mohan Tagore, by his pluck, tact and determination, could gain his point and thus the country was saved from a huge political scandal. Had not the Maharaja Bahadur moved the amendment, a most objectionable clause would have disfigured the statute book. It would indeed be very deplorable that if, after all these agitations and anxious thoughts given to them by the Government, we were to get mere shadows instead of substance and if the representative institutions were rendered more shams than they are at present. The very thoughtful and excellent letter from the pen of Sir William Wedderburn, which has appeared in *India*, that the Secretary of State and the Government of India have still an open mind on the subject and the proposals are simply submitted to public criticism, which will be shaped into a workable scheme after the opinions received are fully considered and matured, should convince every right-thinking man that it would be a great mistake not to consider the matter carefully now and not to give his honest opinion.

The spread of education, the large increase in the number of undergraduates and graduates, the introduction of the elective system into the representative institutions, *viz*., the Legislative Councils, Municipalities and Local Boards and the successful and satisfactory working of the same, on the whole, have naturally created an ambition in the minds of the people for a larger and more responsible share in the administration. When the elective system was introduced by Lord Ripon in 1881. His Lordship did not expect any immediate good result. He fully anticipated the difficulties and apprehended that in some cases the experinment would fail. All that he wanted was to foster sedulously the small beginning of independent political life and to make a beginning in teaching the people the art of Self-Government. Similarly, when the Council Act of 1892 was passed in Parliament, the greatest statesman of the age, Mr. Gladstone, then in opposition, declared, from his place in the House of Commons, that he did not except any large or imposing results, but he looked hopefully to the Municipal institutions for doing the best they could, in order to make the measure a success. It is most gratifying to see that the results have exceeded the most sanguine expectations. The people have come to understand pretty fully the right of voting and the privileges it has conferred on them. In the elections there have been frequently keen competitions. Although here and there some members have been returned who should have not been elected, yet, on the whole, the elected bodies are superior to the nominated ones and the former are more in touch with the masses than the latter. The right of interpellations has been the means of elicting much useful information which was hitherto before hidden from the public and of checking the vagaries of hot-headed, over-zealous or unsympathetic officers.

We are indeed very grateful to say that the Government has approached the consideration of the subject with a sincere desire to satisfy the just and legitimate aspirations of the people and they in turn will respectfully but most emphatically state that the elective system, which has worked with such admirable results for nearly a quarter of a century, should not only be continued but extended with such safeguards as may be necessary for due protection of the interest of the Government.

In paragraph 9 of the letter of the Government of India it is said that the representative institutions in electing members to the different Councils have failed to fulfil the expectations formed of them, because they have returned as disproportionately large number of Barristers, Pleaders and Schoolmasters. It is no doubt well-known to the authorities that Pleaders and Barristers are the creation of the Government. Before the British rule and some time after it, Barristers and Pleaders, as a class, were not known. The few men who practised as Muktears did not occupy a good position in society, as that profession was condemned by all. When the English methods of administration were introduced in the country, the existence of Pleaders and Barristers became a necessity. Government have placed them in such a position as secures to them unbounded respect from the people. They know that without Pleaders and Barristers they cannot get justice. They know that without these lawyers they cannot go up to the highest Courts to get redress. They know that many an innocent man has been saved from the gallows by the mediation of these professional men. No wonder that the admiration of the people for these professional classes should be great and that their voice should always be supreme. Moreover, they being always in direct contact with the masses and knowing their real wants can better represent them than anybody else. There can certainly be no objection to supplying the requisite counterpoise to the excessive influence of the Pleaders and Barristers by creating an additional el ectorate recruited from the landed and monied classes. But the members should be elected by these classes and not nominated by Government. There may be some noblemen and zamindars who may not like to contest for a seat in a general election held openly, but surely there can be no objection to their seeking suffrage from men of their own class. Besides, such objections are merely sentimental ones and are fast dying out.

The most important consideration involved in this question, *viz*., the members as a consultative body should be able to represent faithfully the wants and grievances of the masses and explain to them correctly the intentions of the Government, should not be lost sight of. This is, no doubt, the chief object which the Government has in view, and with this object the Government have come forward to take action. A man can-not certainly represent his fellow countrymen unless he is in immediate contact and touch with them, and of this the best judge is the people themselves. It would indeed be deplorable if Government were to pass any measure affecting adversely the interest of the people in consultation with, and with the approval of, the members appointed by Government, in the name of the people, who know nothing of the qualifications of these members and would have perhaps never returned them. It is the interest and duty of the Government to look more to the welfare and prosperity of the masses than

of any particular class or classes, and a system should be therefore devised by which the masses can be properly represented. In this direction the Municipalities and Local Boards have been doing very well. It is true that the qualifications of voters and candidates are very low, but these can be raised. It is also true that some important classes of people have been excluded from voting, while some unimportant classes have received undue preponderance. All these might be easily rectified. The recognised public bodies and landholders' associations or committees might also greatly help in the matter by returning such educated, intelligent, and public-spirited men as may be regarded fair exponents of the wishes, intentions and wants of the aristocracy, the middle classes and the masses.

Let us now consider the constitution of the different Councils. While thankfully acknowledging the noble intentions of the Government regarding the constitution of the Advisory Councils, I would respectfully submit that, in order to be popular these Councils should be representative of the people, and all its members, with the exception of 20 ruling chiefs who may be nominated by Government, should be elected by the different classes, namely, territorial magnates, zamindars, landholders, public bodies representing large interests, and not merely a class or clique, Municipalities and Local Boards, to be distributed among the different provinces in equal numbers, regard being had that such backward provinces as Assam and Orissa get a fair share and are not neglected.

The Council being thus an elected and representative one the opinions of the Councillors given in a meeting, assembled or privately, should be formally recorded and as a general rule, be published, subject to the provision that in exceptional cases His Excellency the Viceroy may, for reasons of the State, direct that the proceedings or any part thereof be treated as confidential and withheld from publication.

Publicity of the proceedings will bring home to the minds of the Councillors the responsibility of their position, and at the same time it will leave no room for the intentions of the Government being misconstrued by the people at large.

The value of collective deliberations being already recognised by the Government it is essentially necessary that all important questions referred to the Imperial Advisory Council should be discussed only at a general meeting, and that they should formally meet at least once a year, if not more frequently.

Provincial Advisory Council.—Leaving one-third of the members to be nominated by Government, the rest should be elected in the manner stated above and the functions and duties of the Councillors should also be the same.

Before enterning into the question of the constitution of the Imperial Legislative and Provincial Legislative Councils, it should be very carefully considered whether it is necessary to have two sets of Councils, and whether one set, if properly constituted, will not serve the purpose. In the event of the Advisory Councils being constituted on the lines indicated above, and in the event of their members being increased, in order to include all the interests and more power being given to the members, an Advisory Council, call it simple Advisory or Advisory Legislative, will be quite fit to do all the functions of a Legislative Council. In fact, the interests and responsibilities of both will be identical.

The advantages of having only one set of Councils will be many. First of all Government as the paramount power has to maintain a standing official majority. This is, I think, only possible as regards the Imperial Legislative Council in Calcutta, but almost impossible as regards the Provincial Councils, as, when these are enlarged, a sufficient number of high officials fit to have seats in the Council cannot be had to preserve the official majority. The object of Government to keep this majority being to preclude all possibility of the non-official members defeating it, it is very desirable for the Government to say distinctly in what matters the Government should hear the Councillors and abide by the collective votes and in what matters they will not. I think the time has come when there should be a little more plain speaking on the part of Government. A line should be drawn beyond which the people should not expect to go, and all false hopes should be banished from their minds. It would be sheer folly and madness on the part of the people to dictate Government as regards the army organisation, the military expenditure, the frontier defence, the foreign affairs, appointments to the highest offices of the State, and the like, in which matters Government as the ruling paramount power will act in the best way they think proper, but in the matter of education, distribution of money under the different heads of expenditure, imposition or remission of taxes, municipal administration and generally all matters relating to the management of the affairs of people or conducing to their interests their voice, as echoed by their representative in the Council, should

not only be heard but respected and carried out, subject of course to the ruling power of the Viceroy to veto any measure in exceptional cases. In such matters with the direction and advice of official members, the non-official ones will be able to conduct their own business and no official majority will be required. This will be teaching the people the real elements of self-government and instead of shadow they will get some substance.

If such a scheme be not acceptable to Government, then I will respectfully submit that the Imperial Legislative and Provincial Legislative Councils should be more representative and constructed on the lines I have suggested as regards the construction of Advisory Councils.

In the proposed scheme for the constitution of the Imperial Legislative Council, only one member has been allotted to each of the seven Provincial Councils to be elected by the non-official members. In my humble opinion the number should be at least two, or else there cannot be any fair, much less adequate, representation.

We are grateful to Government for taking up the question of minorities and backward provinces with a view to secure to them due representation, and we fervently hope that they will take up the question of the representation of the Assam division in the same way as they have treated the Muhammadan representation. It is, I believe, well known to Government that Assam has shared in the general satisfactory progress of the country. Education had spread, the number of undergraduates and graduates has vastly increased, the elective system introduced in the Municipalities and Local Boards has been fairly successful, and the working of these institutions has shown good results. At the time of the formation of the new province, Sir Bampfylde Fuller distinctly gave it to understand that it would be his business to see that nothing but good would result to Assam by its amalgamation with Eastern Bengal, and although it had been promised that an Assamese would have a seat on the new Council, yet nothing was done and consequently the disappointment of the people has been great. Up to this time Assam has remained unrepresented on any of the Councils, either Imperial or Provincial, and it is now high time that she should be represented in both, in view of several large questions regarding the development of her resources, the working out of her potential assets and the adequate recognition of the just claims of the people now awaiting solution at the hands of Government. Two seats on the Imperial Legislative and six on the provincial, one-half by election and the other half by nomination, will for the present, have the effect of removing their just grievance.

As regards the budget debate, it is difficult to understand what advantage can be gained by discussing a cut-and-dry budget. The debate includes not only the figures but also the principal administrative measures of the Government. These latter instead of being discussed at the fag of the session at a single or two or three sittings of the Councils, might with great advantage, be taken up from time to time as occasions arise during the session.

As regards the budget itself, it is useless for the members to criticise the expenditure incurred under different heads or the imposition or remission of taxes after these have been already settled. Surely the members may be taken into the confidence of the Government and intentions of the Government made known to them before arriving at any decision.

Gauhati, MANIK CHANDRA BARUA.

The 22nd November 1907.

No. 3529.

FROM

MAJOR D. HERBERT, I.A.,

DEPUTY COMMISSIONER OF KAMRUP,

To

THE COMMISSIONER OF THE ASSAM VALLEY DISTRICTS.

Gauhati, the 30*th November* 1907.

SIR,

WITH reference to your memorandum No. 5018-21G., dated the 20th October 1907, forwarding, for my opinion, a copy of Government letter No. 11487-91C., dated the 9th October 1907, on the subject of the formation of Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils, I have the honour to report as follows:—

I.—Advisory Councils.

2. I understand from paragraphs 5 and 6 of the Government of India's letter No. 2316, dated the 24th August 1907, that Imperial Councillors will be appointed by the Viceroy and that Provincial Councillors will be nominated for the Viceroy's approval by the head of the Local Government, none being elected. In the latter part of paragraph 2 of the letter of the Government of India it is stated that the classes which will be represented on the Advisory Councils may reasonably look forward to a larger share in the actual work of administration and to more extensive employment in the higher offices of the State.

3. This then limits the classes to be represented on these Councils to such only as may be considered fit for a larger share in the work of administration. Certain castes in Bengal and Assam have shown special aptitude for the work of administration, and although the Brahmins of Assam, owing to their strict orthodoxy, have hitherto generally held aloof from work of Government, still they are by tradition and training eminently fitted to share in this work and to be represented on the Provincial Advisory Council. It seems to me, however, that any system of selection from castes is hardly feasible, firstly, because castes omitted from scheme will have a strong grievance, and, secondly, because selection from castes would overlap with selection from associations, and some appointments must necessarily be made from recognised associations. In my opinion, the system appropriate to Assam would be selection from classes and associations combined with the nomination of prominent individuals.

4. The Gossains are the most influential class in Assam, and I have considered whether they should not be represented on the Provincial Advisory Council. Although one of the principal Gossains would consider it derogatory to his spiritual dignity to sit in a Council Chamber with Hindu gentlemen of inferior caste, or, in fact, with any other persons on a position of equality with him, still a Gossain on the Provincial Advisory Council could send to the Advisory Council in writing valuable views on any subject to be discussed. It has, however, been pointed out to me that the Gossains have never taken part in politics, and even in the days before the British occupation they never advised the Rajas on any other than spiritual matters. The impression has indeed been conveyed to me that the appointment of one of the Principal Gossains to a seat on the Provincial Advisory Council would be considered as improper and contrary to the traditions of the race, and I have, therefore, come to the conclusion that they should not be represented. The Musalman community of Assam should be represented on the Provincial Advisory Council. The Assam Association, which, though a young body, is likely to become truly representative of the Assamese people, should be represented.

The commercial class in Assam is heterogeneous. The majority belong to the Marwari community, and some of these were, I believe, established in Assam before the country was ceded to Great Britain. I think that the trading classes should be represented on the Provincial Advisory Council. It appears to me, however, that the Naryanganj Chamber of Commerce is the body best suited to select a Councillor to represent commercial interests if in the course of time it becomes more representative of such interests generally, instead of, as at present, representing jute interests only. The tea planters of the Assam Valley should have a Provincial Councillor, because the conditions of the tea industry in this valley are different to those of the

Surma Valley and the Duars. I presume that the landed proprietors of Goalpara will be represented also on the Provincial Advisory Council, and there should also be one Councillor from the Assam Valley to represent the professional classes.

5. I have thus suggested six Councillors for the Assam Valley districts. Whereas it is stated in paragraph 6 of the Government of India's proposals that Provincial Councils will be smaller than the Imperial Council, which will consist of about 60 members, and whereas there are five divisions in the province, it seems to me that the Assam Valley Division will be sufficiently represented by six Councillors. My suggestions are made on the assumption that a knowledge of English will not be an essential qualification for membership of the Provincial Advisory Councils.

II.—The Imperial Legislative Council.

6. In paragraphs 14 and 15 of the Government of India's proposals the question of an electorate of landholders for each province to elect direct a member of the Imperial Legislative Council is discussed. The system of election does not, however, commend itself to the respectable Indian, because of the apparent stigma attaching to defeat by a rival candidate, as is stated in paragraph 17 of the Government of India's proposals. I have discussed this point with several prominent gentlemen of Gauhati, both official and non-official, and they agree with me that if an electorate, such as is suggested by the Government of India, is formed for the landholders of each province, it would work satisfactorily only if it chose or nominated a representative, that is to say, candidates would not put forward their own names but they would be put forward by their friends and backers, who would do the canvassing, and the result would be election under another name.

7. Excluding Goalpara, there are in Assam no landholders of the standing contemplated by paragraph 14 of the Government of India's proposals, and I do not think that the landholders of Assam as a class are sufficiently prominent to be represented on the Imperial Legislative Council.

8. With reference to paragraph 17 of the Government of India's proposals, I am of opinion that, in addition to the Muhammadans ordinarily elected to the Provincial Councils, a certain number of seats should be reserved exclusively for Muhammadans. I think, however, that in Assam such seats as may be allotted would best be filled by nomination. There being in Assam no substantial landholders as contemplated by clause (1) of paragraph 17, the payment of a certain sum in land revenue could not suitably form the basis for an electorate, and election from the classes suggested in clauses (2) and (3) only would exclude altogether the comparatively few Muhammadan landholders who are fit to be on such an electorate as is proposed. The proposals for the Eastern Bengal Divisions, in which the Muhammadans form a majority of the population would, however, while excluding Assamese Muhammadan landholders, sufficiently represent Muhammadan interests throughout the province, if the Muhammadans of Assam, who fall within the definitions given in clauses (2) and (3) of paragraph 17, are included in the electorate proposed especially for the Muhammadans of the whole province.

9. *Paragraph 18 of the Government of India's proposals.*—I am not in a position to express an opinion as to the difficulty or otherwise of compiling a list of voters under the head (*c*); but in my opinion the Muhammadan non-official members of the Provincial Councils, though they will probably be few in number, even in the Province of Eastern Bengal and Assam, will be fit to form the electorate for the two seats set apart for Muhammadans on the Governor General's Council, because they will necessarily be the cream of the Muhammadan community, and ought to be thoroughly representative of Muhammadan views.

III.—Provincial Legislative Council.

10. In paragraph 10 of the Government of India's proposals, it is stated that the Legislative Council should be enlarged to the fullest extent compatible with retaining an official majority, and the question is asked, what number of official members of the requisite standing and experience can be spared for attendance on Legislative Councils. At present, in the Council of 15 members for Eastern Bengal and Assam, the number is 7, as follows :—

Members of Board of Revenue	2
Secretaries to Government	2
Commissioners	2
Legal Remembrancer	1
Total	7

I am of opinion that this number can be increased to 14 without detriment to the public service, because it is not essential that all official members should attend every meeting of the Provincial Council, and ordinarily the full number of members will be required only at the budget meeting, which, if the procedure proposed in paragraph 23 of the Government of India's letter is adopted, may extend to 2, or perhaps even 3, days with an enlarged Council. For the reasons given below, I think the official members of the Provincial Council may comprise the following officers:—

Board of Revenue	2
Commissioners	5
Chief and Financial Secretaries to Government	2
Legal Remembrancer	1
Selected Heads of Departments or Judicial Secretary when a senior officer	2
Selected Magistrates and Collectors	2
Total ...	14

It seems obvious that all Commissioners may usefully be on the Council. Their experince is necessarily wide, and embraces every branch of administration. The Chief and Financial Secretaries to Government and the Legal Remembrancer must be on the Council, indeed they may be considered as *ex-officio* members of Council. The Judicial Secretary, if of requisite standing, would be a useful member of Council. Certain officers holding the appointment of head of a department may do good work on the Council, but they must be officers selected for their ability, experience, and judgment, and not because they happen to hold a certain appointment. I have proposed that two seats be allotted to such officers. I also propose that two selected Magistrates and Collectors be appointed to the Council. Senior Magistrates and Collectors rank next to Commissioners in the extent of their experience, and in certain provinces of India selected Magistrates and Collectors are now members of the Provincial Council. The office of Member of Council confers distinction upon the holder and is highly esteemed. The Lieutenant-Governor, therefore, will have no difficulty in finding officers of the requisite standing and experience willing to accept seats on his Council. For this reason, I am of opinion that the mere holding of an appointment at headquarters should be given no weight as a reason for the appointment of an officer to the Council, but that the Lieutenant-Governor should select the members of his Council from the widest possible field and appoint a certain number from among Heads of Departments and from among Magistrates and Collecters. It occurred to me that Judges would perhaps be even more useful on the Council than Heads of Departments, who are generally specialists, but Judges cannot be spared from their regular duties to attend Council meetings and their services must therefore be lost to the Council, at any rate as members of the Legislative body.

11. If it be conceded that so many as 14 officials may be on the Council without detriment to the public service, then the Provincial Council may be one of 30 members, and I would make up the number by election of non-official members as follows:—

	Proposed Council.	Present Council.
Municipalities	3	1
Local Boards	4	2
Provincial Muhammadan Association ...	1 }	1 (jointly)
Eastern Bengal Landholders Association ...	1 }	
Tea Industry, Assam	1 } (jointly with the following)	1 (jointly)
" Surma Valley		
" Duars		
" Chittagong		
Narayanganj Chamber of Commerce		
Chittagong Port Commissioners	1	1
Total ...	13	6
Nominated members	3	2
Official members	14	7
Total ...	30	15

12. In paragraph 21 of the proposals of the Government of India are discussed the qualifications for electors and candidates for seats on Municipalities and District Boards. The qualifications in Assam Valley Municipalities vary as is shown below :—

Municipalities.	Qualification. Voter.	Qualification. Municipal Commissioner.
Dhubri, Goalpara	Rate-payers of Re. 1	Rate-payers of Rs. 4.
Gauhati, Dibrugarh	Rate-payers of Rs. 3	Rate-payers of Rs. 3.

The remaining Municipalities are under Act V (B.C.) of 1876 and the Commissioners are appointed by the Lieutenant-Governor, there being no electoral franchise. The electoral franchise for Municipalities follows the lines generally accepted, and I would not propose any alterations except that the voter's and Commissioner's qualification in Dhubri and Goalpara Municipalities be raised to equal the qualification in the Gauhati Municipality.

13. In Assam there are Local, and not District Boards. The qualifications for voters and for membership of all Assam Local Boards are as follows :—

(*a*) One member for the headquarter station must have the qualification necessary for a Commissioner of the Municipality, and the voters must have the qualification required for a voter for Municipal Commissioners.

(*b*) One commercial member, whose qualification is the payment of income-tax. The voter's qualification also is the payment of income-tax.

(*c*) Rural members, varying in number in the different Local Boards from 5 to 2, are elected by *gaonburas*. No qualifications are required of these rural members except that Rule 4(V) on page 5 of the Assam Local Board Manual requires that they be not "unsuited for office." This electorate of *gaonburas* appears to me to be very weak, and not truly representative of the landholder classes. It is true that in theory the *gaonbura* is selected by the villagers, and in *nisfkhiraj* villages he is nominated by the *nisfkhirajdar* or landholder, but *gaonburas* generally are drawn from an inferior class of cultivators, and are likely to be easily influenced to sell their votes.

I am of opinion that the electorate should comprise the mauzadar class and all respectable landholders, who are the persons having a real stake in the country, and I would, therefore, propose that the electorate for Local Board rural members be altered to one based on a property qualification. The five upper districts of Assam being under *raiyatwari* settlement, there are few large landholders, and therefore I would propose, as qualification for voters for rural members of Local Boards, the payment of not less than Rs. 100 in land revenue.

14. The electoral franchise for Municipalities and Local Boards is quite unsuited as a basis for the election of members of the Provincial Legislative Council, and the Government of India have proposed in paragraph 21 that, while the system in force for the election of Municipal Commissioners and Local Board members may remain unchanged, special qualifications might be insisted upon for membership of the Provincial Legislative Council.

I beg to suggest that none but persons included within one or other of the descriptions noted below should be eligible for membership of the Provincial Legistive Council :—

(1) Registered graduates of an English or Indian University of more than five years' standing.

(2) Payers of income-tax on an annual income of more than Rs. 2,500.

(3) Payers of land revenue in excess of Rs. 5,000.

(4) Titleholders and Honorary Magistrates.

No. 1 needs, I think, no explanation.

No. 2 would comprise the trading and professional classes, including barristers and those who have passed the pleadership examination and have a fair practice, but are not University graduates, as well as persons living on private means, retired Indian officers of standing, etc.

No. 3 would include the leading landholders, although in Kamrup there are but two persons paying more than Rs. 5,000 in land revenue and both are Hindus.

No. 4 would include gentlemen who have rendered service to the State, and who might be capable of useful work on the Council.

15. *Paragraph 22 of the Government of India's proposals.*—I am unable to suggest any class which requires the special assistance given to Muhammadans. It seems to me that, unless they are specially excluded, the most advanced and most intellectual must come to the fore under any ordinary electoral system. I do not think I am called upon to make suggestions with regard to paragraph 22, clauses (*a*), (*b*), and (*c*). It appears to me that the existing system in Assam is, on the whole, good. In Municipalities with an electoral franchise the various classes and interests are, so far as I am aware, adequately represented. The ward system works well, and Ward Commissioners take an interest in the affairs of their respective wards. Under the system proposed in paragraph 22, clause (*c*), the various classes might be better represented, but I doubt if the work of Municipalities would be better done unless Commissioners be placed in charge of wards, and that would be difficult because some wards would always be unpopular.

16. In paragraph 11 of this letter I have already suggested improvements that might be made in the constitution of, and system of election in, Local Boards, and I think that the existing system, if modified as I propose, would be practically that suggested in the first part of paragraph 22, clause (*c*) of the Government of India's proposals, *i.e.*, the leading classes into which the population is divided by race, caste, or religion would each elect its own representative. In the last part of paragraph 22 it is laid down as a principle that electors for seats on Local Boards and Municipalities ought to be literate, and with this principle I entirely agree.

IV.—Discussion of the Budget in the Legislative Council.

17. I am of opinion that the procedure suggested in paragraph 23 of the Government of India's letter for adoption in discussing the Imperial and Provincial budgets is calculated to make the debates more practical, and that the adoption of such procedure would be highly appreciated by members of Council and by the intelligent public.

I have the honour to be,

SIR,

Your most obedient Servant,

D. HERBERT,

Deputy Commissioner, Kamrup.

MEMO. No. 5704G.

Gauhati, the 7th December 1907.

COPY forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam in continuation of this office memorandum No. 5556G., dated the 2nd December 1907.

P. R. T. GURDON,

Offg. Commissioner, Assam Valley Districts.

No. 1209R. & F.

FROM

A. W. BOTHAM, Esq., I.C.S.,
OFFG. DEPUTY COMMISSIONER, SIBSAGAR,

To

THE COMMISSIONER OF THE ASSAM VALLEY DISTRICTS.

Sibsagar, the 4th December 1907.

SIR,

WITH reference to your memorandum No. 5018-21G., dated the 28th October 1907, on the subject of the formation of Advisory Councils and the enlargement of Legislative Councils, I have the honour to reply as follows.

2. *Provincial Advisory Councils.*—One or more of the Adhikar Gossains of the more important Sattras might be included in the Council. They would, I know, welcome the honour, and from their position and influence amongst Assamese Hindus, they would be a most useful agency both for eliciting the opinion of that community on contemplated measures, and for diffusing correct information upon the acts, intentions and the objects of Government. There might be some difficulty in getting them to attend meetings of the Council, but as it is contemplated that the members should be consulted individually, as well as collectively, this would matter little.

3. I think the proposals contained in paragraph 5 of the Government letter would, *mutatis mutandis*, be suitable for the constitution of Provincial Councils.

4. *Enlargement of the Legislative Councils.*—The proposal to allot the available seats amongst the more important classes into which the population is divided is a good one. The system has been tried to some extent, in connection with the Local Boards of Assam, and the way it works here may perhaps give some indication of the way a similar system will work on a large scale in connection with the election of members of the Legislative Council. The majority of the elected members of Local Boards are the rural members, who are elected by the *gaonburas*. The connection between the *gaonburas* and the mauzadars makes it tolerably certain that the mauzadars of the largest mauzas will be elected to the Local Board. In a system of election by a limited number of a particular class, the opportunities for wire-pulling will be large, and there will always be the danger that a scheming and well-organised party may control the electorate, and induce the election of its own candidate, rather than of the man best suited to represent the class. I would, therefore, prefer a system of nomination by the Anjuman or other association of the class, if such has been formed—and by the Lieutenant-Governor, if such has not been formed. No doubt, if such a system were introduced, every class entitled to representation would form an Association.

I have the honour to be,

SIR,

Your most obedient Servant,

A. W. BOTHAM,

Offg. Deputy Commissioner, Sibsagar.

MEMO. No. 5814G.

Gauhati, the 13th December 1907.

COPY forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam in continuation of this office memorandum No. 5556G., dated the 2nd December 1907.

P. R. T. GURDON,

Offg. Commissioner, Assam Valley Districts.

No. 1, Camp.

FROM

LIEUTENANT-COLONEL ALBERT E. WOODS, I.A.,
DEPUTY COMMISSIONER OF LAKHIMPUR,

To

THE COMMISSIONER OF THE ASSAM VALLEY DISTRICTS.

Dated Camp, Dhaukuakhana, the 25th November 1907.

SIR,

WITH reference to your Memorandum No. 5018-21, dated Gauhati, the 28th October 1907, forwarding, for an expression of opinion, Government No. 1487-91C., dated Shillong, the 9th October 1907, I have the honour to state that in my opinion the proposed Advisory Council, if composed of truly representative men, would be of considerable assistance in the working of Government. The Councillors, being in touch with the people, and knowing their wants might be empowered not only to advise Government when called upon, but also to offer suggestions on subjects connected with the welfare of the people, for the consideration of Government. Sixty Imperial Councillors would appear to be ample, and about thirty members would seem to be sufficient for the Provincial Advisory Council. The following should be represented on the Provincial Advisory Council :—Municipalities, District and Local Boards, Landholders of a certain status, the tea-planting community, the Muhammadan community of Eastern Bengal and also that of Assam, the Assamese-Hindus of Eastern Bengal and Surma Valley, traders, legal profession. The Assamese-Hindus have little or nothing in common with their brothers in Eastern Bengal, and should be represented. The Councillors should be appointed by the Local Government. The suggestions made for the enlargement of the Governor General's Legislative Council, and its constitution appears to ensure the representatives of all classes and interests. There are very few, if any, great landholders that I know of in the Assam Valley, and I am not aware of the condition in Eastern Bengal.

As far as the Assam Valley is concerned, a system of nomination would be best suited to it, that is, if it is considered desirable to represent it in the Governor-General's Council. With regard to the representative of Muhammadans on the Governor-General's Council, I am of opinion that the electorate proposed by the Muhammadan deputation might be worked and the compilation of a register is not impracticable. With regard to the Provincial Legislative Council, it might consist of some thirty members, and it is desirable that the number of seats to be filled by representatives of the most important classes should be determined, and the same principle should apply to Local Boards and Municipalities.

The proposals made for the discussion of the budget appear to be desirable.

I have the honour to be,

SIR,

Your most obedient Servant,

ALBERT E. WOODS,

Deputy Commissioner, Lakhimpur.

MEMO. NO. 5556G.

Dated Gauhati, the 2nd December 1907.

Copy forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam, in continuation of this office Memorandum No. 5515G., dated the 28th November 1907.

P. R. GURDON,

Offg. Commissioner, Assam Valley Districts.

No. 956G.

FROM

MAJOR H. M. HALLIDAY, I.A.,
DEPUTY COMMISSIONER, DARRANG,

To

THE COMMISSIONER OF THE ASSAM VALLEY DISTRICTS.

Dated Tezpur, the 3rd December 1907.

SIR,

WITH reference to your memorandum No. 5018—21G., dated the 28th October 1907, I have the honour to forward the following expression of my opinion :—

1. The information of Advisory Councils and the enlargement of Legislative Councils should be welcomed by all sections of the community as tending to enhance the confidence of the people in the desire of the rulers to admit them to a fuller share in the Government of the country.

2. *Paragraphs* 14 *and* 15.—I am of opinion that, as far as Assam is concerned, nomination should take the place of election.

3. *Paragraphs,* 17, 18 *and* 19.—It is desirable that Muhammadans should get a fair proportion of seats in the Councils (both Imperial and Provincial). This object may be secured by following the principles laid down in paragraphs 17, 18 and 19 of the Resolution.

4. *Paragraphs* 21 *and* 22.—The principle of election for the Provincial Legislative Council suggested in paragraph 22 of the Resolution could be adopted with advantage, as the members thus elected are expected to be thoroughly representative of the whole community.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. HALLIDAY,

Deputy Commissioner, Darrang.

MEMO. No. 5703G.

Dated Gauhati, the 7th December 1907.

COPY forwarded to the Chief Secretary to the Government of Eastern Bengal and Assam, in continuation of this office memorandum No. 5556G., dated the 2nd December 1907.

P. R. GURDON,

Offg. Commissioner, Assam Valley Districts.

FROM

KHAN BAHADUR MUHAMMAD ALINAWAB,

ZEMINDAR, PASCHIMGAON, TIPPERA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

The 13*th November* 1907.

SIR,

IN reference to your Circular No. 10219C., dated the 10th September 1907, I beg to say, after careful perusal of its contents, I think we cannot do better than leave the matter in the competent hands of the officers of the Government.

The alterations suggested are wise ones, and I would only mention that since the Imperial Council has been increased to 54 members, it might be possible to ecure six seats in the council for Muhammadans.

I have the honour to be,

SIR,

Your most obedient Servant,

MUHAMMAD ALI.

FROM

THE HONORARY SECRETARY,
BAR LIBRARY, BARISAL,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Barisal, the 30th November 1907.

SIR,

IN view of the " Seditious Meetings Act " recently passed and enforced in this district, the members of the Barsial Bar Library are of opinion that the subject alluded to in your letter No. 11493C., dated Shillong, the 9th October 1907, *in re* the formation of an Imperial Advisory Council, etc., cannot be discussed in a meeting. So I regret that it is not practicable to give an expression of opinion of this Bar on the subject.

I have the honour to be,

SIR,

Your most obedient Servant,

CHANDRA MOHAN CHATTERJEE,

Honorary Secretary, Bar Library, Barisal.

No. 1278.

FROM

B. C. ALLEN, Esq., I.C.S.,
CHAIRMAN, DISTRICT BOARD, DACCA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dacca, the 28th November 1907.

SIR

WITH reference to your memorandum No. 11516 C., dated the 10th October 1907, I have the honour to submit a report on the deliberations of the Board with reference to the enlargement of the Advisory Councils.

The following gentlemen were present :—

1. B. C. Allen, Esq., I.C.S., *Chairman.*
2. Khan Bahadur Khajeh Mahamud Yousuff, *Vice Chairman.*
3. Sub-Divisional Officer of Munshiganj.
4. Special Sub-Registr.
5. J. Hodding, Esq., C.I.E.,
6. Maulvi Sadat Ali Khan,
7. Babu Sarat Chandra Gupta.
8. „ Mohendra Kumar Ghose.
9. „ Raj Kumar Nag.
10. „ Biseswar Roy.
11. „ Sarat Chandra Chakravarty.

2. Babus Sarat Chandra Chakravarty, Mohendra Kumar Ghose, and Raj Kumar Nag were of opinion that the Advisory Councils would be of little use, as members nominated by Government would not be capable of giving an independent opinion. This view was held by all the Hindu gentlemen present, but only to a partial extent. There is probaly, at any rate, a substratum of truth in it.

3. Five out of the nine Indian members present would like to see half the Legislative Council composed of elected members, the Viceroy retaining the power of veto. None of these gentlemen consider that much weight should be attached. to the theory that Indian gentlemen hesitated to submit themselves to the suffrages of a reasonable electorate.

4. Some of the Hindu members considered that the powers given tohe Legislative Council were insufficient. Three gentlemen considered that three of the members of the Executive Council of the Government of India should be appointed from amongst the elected members of the Legislative Council, and should be placed in charge of three of the Departments. One gentleman proposed that instead of this, certain of the elected members of the Legislative Council should be nominated to the Executive Council, to assist it in its deliberations and to vote in its divisions, but without being placed in charge of any Government Department.

5. Some of the Hindu members wished the Council to have the power of dividing on the budget, and considered that it should have some control, which they could not, however, define, over financial matters. The Hindu members objected to the proposals for elections as being based on class representation, but the Muhammadan members took no objection to class representation.

I have the honour to be,

SIR,

Your most obedient Servant,

B. C. ALLEN,

Chairman, District Board, Dacca.

At a special Meeting of the District Board of Mymensingh held at the Board's Meeting Room at about 2-30 p. m. on the 25th November 1907.

Present :

1. L. O. Clarke, Esq., I.C.S., Chairman. 2. Captain T. C. Rutherfoord, M.D., I.M.S., Civil Surgeon. 3 C. A. Craven, Esq., Superintennent of Police. 4. Babu Jamini Mohan Das, Senior Deputy Magistrate. 5. " Mathuranath Guha, Deputy Inspector of Schools.	*Ex-officio Members.*
6. " Charu Chandra Chaudhuri. 7. " Prasanna Kumar Chakrabarty. 8. Maulvi Talattaf Hussain. 9. Munshi Sahed Ali. 10. Babu Rajendra Kumar Ukil. 11. Munshi Ali Husain. 12. Babu Anath Bandhu Guha.	*Members.*

Considered letter No. 2316 (Public), dated the 24th August 1907, from the Government of India in the Home Department, on the subject of the formation of Advisory Councils, of the enlargement of Legislative Councils, and of the discussion of the budgets.

Resolved—

1. That this Board welcome the fact that proposals have been put forward for the formation of Advisory Councils, and the enlargement of the existing Legislative Councils.

2. That this Board approves, as a tentative measure, of the proposals to establish Imperial and Provincial Advisory Councils.

3. That this Board approves of the proposal to enlarge the Imperial and Provincial Councils.

4. That this Board approves of the proposal for electoral representation of classes according to religion and occupation in place of the present purely local election systems, but considers that it would be impracticable, and would also be unwise as tending to create dissensions, to attempt anything like a representation of castes.

5. That the Board as a whole has not yet had time to consider the question thoroughly, but is of opinion that a scheme somewhat on the following lines might be adopted for districts similarly circumstanced to this. Zamindars, taluqdars professional men, traders and artisans, and cultivators should form five classes, which should be represented on every Local Board and every District Board, and a certain proportion of these members should be Muhammadan and a certain proportion Hindu.

To begin with one, or two electoral representatives of each class could be chosen by election in each thana in the area of a Local Board, and these electoral representatives would elect the members of the Local Board.

The members of each class in the several Local Boards in a district would elect their class representatives for the District Board.

To provide against any individual Local Board having no local representative on the District Board, each Local Board should also elect one of its members to the District Board.

The electors shoud be literate, and there should be some property qualification, either of land revenue or road cess or rent or income-tax. The qualifications for memberships should be the same as for electors in the case of Local Boards, but higher in the case of District Boards. The representatives of each class should be members of that class, except in the case of cultivaters who might choose any one they might wish to represent them. Municipalities might follow the same lines of election as Local Boards. (*Note.*—Babu Charu Chandra Chaudhuri, Zemindar and Chairman of the Sherpur Municipality, was in favour of the present Municipal elective system being retained, but did not press for a motion on the subject.)

6. That as regards the Provincial Legislative Councils, the privilege of members of the District Boards and Municipalities of choosing members for the Provincial Council should not be curtailed by associating with them, as electors with equal voting power, other persons who have not been chosen members of these bodies, but that if any other bodies or communities are not sufficiently represented, they should elect their own representatives direct to the Council or their representatives might be nominated by Government.

7. That this Board approves of the proposals of Government regarding the Budget discussions.

8. As regards the Imperial Legislative Council, no resolution was passed, but it was suggested that a land revenue of Rs. 10,000 as a qualification for voting for the land-owner member of each province on the Council, was too high and would be unfair in a province which is permanently-settled, for the land revenue there paid is low in proportion to the estates, as compared with other provinces. It was also suggested that an income of Rs. 25,000 as a qualification for the electorate for Muhammadan members was too high.

9. The following criticisms on the scheme as a whole were made by individual members, who did not, however, ask that any resolution should be passed:—

(1) Education, as such, is not represented at all on the Advisory Council.

(2) The Advisory Councils are a mere name and will have no real power. There is nothing new in them except the name.

(3) Education as such is not sufficiently represented on the Imperial Legislative Council. The Universities, at least, should be represented on it.

(4) The Legislative Council will only be enlarged in number, no new powers or privileges will be given to it. More members will merely mean more speeches and expenditure of time.

(5) The large representation of landholders is not called for. The landholders are now not the real leaders of the people, they have been replaced by men of education and intelligence.

(6) Mere ability to read and write, which, it is presumed, is what is meant by literacy, though perhaps a sufficient educational qualification for a voter, is not sufficient for a member of a District or Local Board. People who can take an intelligent interest in matters concerning the welfare of the country and who have a sufficient knowledge of English to be able to understand the proceedings of those bodies, are what is wanted.

L. O. CLARKE.

Chairman, District Board, Mymensingh.

MEMO. No. 1715.

Mymensingh, the 26th November 1907.

Copy submitted to the Chief Secretary to the Government of Eastern Bengal and Assam, for information, with reference to his letter No. 11517 C., dated the 10th ultimo.

L. O. CLARKE,

Chairman, District Board, Mymensingh.

No. 605.

FROM

R. B. HUGHES-BULLER, Esq., I.C.S.,
CHAIRMAN, DISTRICT BOARD, BAKARGANJ.

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Barisal, the 21st December 1907.

Sir,

WITH reference to your letter No. 11518 C., dated the 10th October 1907, I have the hononr to enclose herewith the opinion of the Bakarganj District Board on the question of an Imperial Advisory and other Councils. The original reply was drafted by a special committee of the Board consisting of Mr. R. G. G. Brown, Babu Rajani Kanta Dass, Vice-Chairman, and Maulvi Hemayet-uddin Ahmed. This draft, which contains a note of dissent by Maulvi Hemayet-uddin, was fully considered at the District Board's meeting this morning. Various addenda were proposed by members, and a copy of the proceedings in connection therewith is also enclosed.

I have the honour to be,

SIR,

Your most obedient Servant,

R. B. HUGHES-BULLER,

Chairman, District Board, Bakharganj.

Proceedings of a Special Meeting of the Bakarganj District Board held on the 21st December 1907.

Present.

The Chairman.	Maulvi Hemayet-uddin Ahmed.
The Vice-Chairman.	„ Asgar Ali.
The Civil Surgeon.	„ Ubaidul Ghani.
The Road Cess Deputy Collector.	„ Sayed Mahmud Hussain.
The Deputy Inspector of Schools.	„ Imdad Ali.
The Khasmahal Deputy Collector.	Babu Pramatha Nath Mukharji.
The Subdivisional Officer, Patuakhali.	„ Jogesh Chandra Sen.
H. C. F. Meyer, Esq.	„ Devendra Nath Datta.
	„ Bimala Charan Guha.
	„ Pratap Chandra Mukherji.

1. Read the draft report of the Sub-Committee appointed under Resolution No. 7 (*4*) of the District Board meeting held on the 30th November 1907 on the Government of India's proposals about the formation of Advisory Councils and enlargement of Legislative Councils :—

Proposed by Mr. Meyer and seconded by Babu Pramatha Nath Mukharji that the following be added to the draft.

With regard to the Provincial Legislative Councils : that an electorate be formed by assigning a certain number of votes to each district ; that these votes be distributed, partly among recognised public bodies such as the District Board, Municipality, Landholders' Association, Anjuman Islam, People's Association, Pleader's Association (or Bar Library), etc., and that the balance be divided among the members of the more important religious denominations in the district in proportion to their relative strength ; and that this voting power should be exercised through the representative association of each such denomination.

Maulvi Fazlal Karim, Subdivisional Officer, Patuakhali, moved as an amendment that the number of votes allotted to the district should be divided among the classes according to their numerical strength.

As this was not seconded, it was lost. The original addendum was then put and carried by 12 votes to *nil*.

With regard to the Provincial Advisory Councils, Mr. Meyer proposed as an addendum that in the opinion of the Board the selection of a certain number of Councillors should be made from nominations previously submitted by Collectors of districts.

This was seconded by Maulvi Fazlal Karim (Subdivisional Officer, Paluakhali), and carried unanimously.

Babu Ganga Narain Ray proposed with reference to the Special Committee's paragraph about Provincial Advisory Councils that the words "Members of the Indian Civil Service" should be added "before Sub-Judges."

Babu Jogesh Chandra Sen seconded the motion, which was carried *nem. con.*

Proposed by Babu Pratap Chandra Mukharji that an experienced Editor of an Indian newspaper should be selected as a member of each of the Advisory Councils.

As no one seconded the proposal, it was not put to the meeting.

Babu Devendra Nath Dutta proposed, as an addendum to the draft : that the Imperial and Provincial Advisory Councils should meet for collective deliberation at least twice a year.

Babu Ganga Narain Ray seconded the motion. It was put to the vote and lost, 7 voting for and 9 against it.

Report of the Sub-Committee.

Imperial Advisory Council.

The Government propose to form an Imperial Advisory Council, in order :—

(1) that this might associate the great ruling Chiefs and the territorial magnates with the Governor General in Council in the guardianship of common and Imperial interests ;

(2) that this would give a greater sense of responsibility to those whose advice is sought on questions submitted to them, and it would at the same time commend itself to public opinion as tending to promote more intimate relations between the component parts of the Indian Empire;

(3) that this will represent the views of the hereditary leaders of the people, both in British India and in the principal Native States;

(4) that this will form an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

Although the proposal is made with the best of intentions, but in the opinion of the Board the manner in which the Council is proposed to be constituted and the way in which their advice is sought to be taken, the Government wlll probably fail to gain all its objects. The ruling Chiefs and the territorial magnates are not accessible to the public, and they do not always represent the education, experience and wisdom of the country. Though in one sense they are the hereditary leaders of the people, but practically speaking, in several matters their interest and the interest of the people are opposed to each other, and in such cases the people are naturally reluctant to be led and guided by them. Information upon the acts, intentions and objects of Government carried through them may be accepted as correct by men of their own class, but they will be liable to be misunderstood and misinterpreted by the people in general unless such information is conveyed to them through persons upon whom they can thoroughly rely. The Board, under these circumstances, venture to submit that if with the Native Chiefs and territorial magnates are associated some of the picked men of the country, men of moderate principle, vastly learned, possessing vast experience, and who are accessible to, and held in high esteem by, the people, such as the retired native Judges of the several High Courts, and the Council so formed be requested to give their collective opinion except on occasions when it would be inconvenient for them to meet together, it will be to a great extent a really useful institution and the Government will possibly gain by it most of its desired objects.

PROVINCIAL ADVISORY COUNCILS.

The procedure laid down under this head appears to be sound and more practical. The Board only suggest that the members may be also selected from among the retired Sub-Judges and Deputy Magistrates.

ENLARGEMENT OF THE LEGISLATIVE COUNCILS.

The condition of paying Rs. 10,000 as Government revenue to get the right to vote seems to be rather very high. In the opinion of the Board the four Universities should be also represented in the Council.

In the formation of the Councils, both Imperial and Provincial, the scheme seems to be wanting in one important respect. The claims of the graduates and other educated men of the middle class are throughout ignored. To cure this defect therefore, adequate provision ought to be made for their representation.

Caste or race representation in the Councils or in the constitution of the Municipal Committees and the Districts or Local Boards will not be much appreciated by the people of this country. It should be, as much as possible, discouraged and not encouraged, by the Government. It can do no good, but at the same time it is sure to create racial feelings and breaches among the different sects and classes of the community. In the Councils and the District Committees the best men available are needed to help with their deliberation and advice. If class representation be made the basis of election, it will evidently shut out many able and competent men from becoming useful to the Government and to their country.

Barisal,
13th December 1907.

RAJANI KANTA DAS,
R. G. G. BROWN,
Members of the Sub-Committee.

I AGREE with my learned colleagues in all except what is said in the last paragraph of the report. In reference to the enlargement of the Legislative Council, it is said in paragraph 10 of the scheme that the Governor-General in Council desires "that these Bodies should be so constituted in respect of non-official members as to give due and ample representation to the different classes and interests of the community." By

the end of the said paragraph it is further said "that the problem which faces the Government of India now, as it faced Lord Lansdowne's Government fifteen years ago, is how to provide for due representation, within the narrow limits thus imposed, of the vast diversity of classes, races and interests in the Indian Empire." In paragraph 9 it is stated that "when the Councils were thus enlarged and the elective principle was introduced, it was recognised that territorial representation was unsuited to India, but an endeavour was made to constitute the electorates so that all the more important classes and interests should, as far as possible, be represented. In the case of Provincial Councils, it is admitted that the results have not justified the expectations formed."

The principle upon which the Legislative Councils are sought to be enlarged is to give due and ample representation to the different classes and interests of the community. I venture to think that none can question the soundness of this principle and we ought to formulate our scheme on this principle. Then it is said, as a matter of fact, being the result of experiment which none can contest with any show of reason, that territorial representation is found unsuited to India. Now, the question before us is how to provide for the due representation of the vast diversity of classes, races and interests in the Indian Empire. The best and I should think the only practical solution of this question is "assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion and permitting the members of that class to select its own representative" as is said in sub-section (*c*) of paragraph 22 of the scheme.

The territorial representation, as it obtains now, is not only a failure but it has caused heart-burning and racial animosity in those communities which owing to their peculiar position have been debarred from reaping any advantage of the Self-Government. The whole Muhammadan population of India dislike it, and they represented the matter to His Excellency the Viceroy through a deputation on the 1st October 1906. I cannot understand why "class representation" should create racial feelings and breaches and shut out able and competent men. In every community there are able and competent men in the real sense of the word, and they only will be returned. Intimate knowledge of, and broad sympathy with, a people befit a man to be its representative more than mere academic qualification. Even now, the trading communities send their representative to the Councils through their Chambers of Commerce, but it has caused no racial feeling or breaches between them and other communities.

In my humble opinion "class representation" is the only way in which the principle of representative Government may be safely and successfully introduced in this country.

HEMAYET-UDDIN AHMED.

No. 1202G.

FROM

P. G. ROGERS, ESQ., I.C.S.,

CHAIRMAN, DISTRICT BOARD, AND COLLECTOR OF CHITTAGONG,

To

THE COMMISSIONER OF THE CHITTAGONG DIVISION.

Chittagong, the 29th November 1907.

SIR,

In reply to your memorandum No. 1065G., dated the 7th instant, forwarding copy of Government letter No. 11487—91C., with enclosure, on the subject of Advisory and Legislative Councils, I have the honour to say that the Board appointed a Sub-Committee consisting of the marginally-noted members to discuss the subject and frame a reply. I have now the honour to submit the Sub-Committee's conclusions.

Chairman.
Vice-Chairman.
Babu Durga Das Das.
Babu Upendra Lal Roy.
Mr. A. R. Leishman.

2. The Committee felt that it was not called upon to give any opinion upon Imperial Advisory Legislative Councils nor did it feel competent to do so. It therefore confined its attention to the Provincial Councils.

3. *Advisory Councils.*—Judging from clause (7) of paragraph 5 of the letter of the Government of India, the Committee assumed that the proceedings of the Provincial Advisory Councils would not be private and confidential. Babu Durga Das Das was strongly of the opinion that the proceedings should be public, and the Committee endorse his view. It was thought that if secrecy be observed in this respect, the results to be obtained from the Advisory Councils and the beneficial impressions which it is desirable to create in the mind of the public would be very much impaired. The Committee believe that unless the proceedings are public, the great mass of the community will have little confidence in either the Council itself or in the individual member who represents them, and they venture to suggest that secrecy should be the exception and not the rule.

The Committee are also of opinion that the members of the Council should for the present at any rate, be nominated and not elected. Both Babu Durga Das Das and the Vice-Chairman are convinced by actual experience that the elective principle is neither understood nor appreciated by the people at large, at any rate so far as this district is concerned.

4. *Legislative Councils*.—In considering the recommendation made in paragraph 22 of the letter of the Government of India under reference, the Committee think clause (*a*) that the proposed allocation of seats should not be made, and that the electing bodies should have a freehand in selecting their representatives. They believe that it will invariably be found that the most suitable representative available will be nominated.

With clause (*b*) the Committee are in entire accord.

As regards the proposals made in clause (*c*) the Committee are, as already stated, not in favour of election, but if election should be the method adopted, they welcome the division of the voters into classes on the basis of occupation. The Committee is not in favour of divisions according to caste.

5. The Committee desire to add that the Chittagong District Board has always been a nominated Board, and that the elective system has not yet been applied to it. They therefore think that the elective system, if initiated, should be introduced with the greatest caution.

I have the honour to be,

SIR,

Your most obedient Servant,

P. G. ROGERS,

Chairman, District Board.

MEMO. No. 1209 G.

Chittagong, the 29th November 1907.

Copy submitted to the Chief Secretary to the Government of Eastern Bengal and Assam, in reference to his letter No. 11519 C., dated the 10th October 1907, for information.

P. G. ROGERS,

Chairman, District Board.

No. 1231.

FROM

THE CHAIRMAN, DISTRICT BOARD, NOAKHALI,

To

THE SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM,
APPOINTMENT DEPARTMENT.

Dated Noakhali, the 9th December 1907.

SIR,

With reference to your letter No. 11521 C., dated the 10th October 1907, forwarding India Government Nos. 2310-2317, dated the 24th August 1907, on the formation of the Advisory Councils, etc., I have the honor to state that the subject was laid before and considered by the District Board meeting held on the 7th December 1907. The District Board fully concurs with Government in the course to be adopted regarding these Councils, and I beg to submit the following suggestions :—

Advisory Councils.

The objects of these Councils are explained in paragraph 3 of the Home Secretary's letter. Generally speaking, landed gentry are the best qualified to carry out these objects and possess the largest amount of influence. But I would exclude from this such landlords as are oppressive or unpopular among their tenants and hence possessed of little influence, (2) and all absentee landlords in Eastern Bengal,—I understand there are many such, and they are not unknown in this district. I would suggest that where Landholders' Associations exist, these bodies may be asked to nominate or co-opt a certain number of candidates, and that Government should make its final selection from among them. This system would have the double effect of eliminating undesirables and also of increasing the popular interest. Where such Associations do not exist, the system adumbrated in paragraph 14 of the letter under reply may be followed.

Enlargement of Provincial Councils.

The minimum qualification for membership should be either a good general education or general intelligence.

As regards the election system, I do not anticipate that it would prove distasteful to the landed classes, inasmuch as the electorate would be confined to them. It is, I think, where the candidates are of different status that election is unpopular. As in this Province, land revenue does not bear a fixed proportion to rent, I would suggest that in the permanently-settled areas a minimum income from landed property may be fixed as the standard of qualification for membership of Council.

Qualifications of Members of Council nominated by the District Boards or Municipalities.

This is a more difficult problem. As matters stand at present, District Boards and Municipalities form groups, and each such group jointly elects one member before the whole. I would deprecate the raising of the minimum rate and cesses payable per head. Perhaps the members of Local Bodies may be left to decide on this themselves. It is certain that any large enhancement would frustrate the object in view.

Reconstitution of Local Bodies.

I am inclined to recommend the system laid down in paragraph 22 C,—the formation of an electoral group on the basis of four classes,—landholders, cultivators, traders and professional men,—with thequalifications suggested.

I have the honour to be,

SIR,

Your most obedient Servant,

NOBIN CHANDRA DAS,

Chairman, District Board, Noakhali.

No. 2463

FROM

THE CHAIRMAN, DISTRICT BOARD, RANGPUR,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Rangpur, the 24th December 1907.

SIR,

With reference to your letter No. 11522C., dated the 10th October 1907, asking the opinion of this Board on the subject of the Imperial and Provincial Advisory Councils, I have the honour to forward herewith a copy of Resolution no. 10, passed by the Rangpur District Board at their meeting held on the 18th December 1907, for your information.

I have the honour to be,

SIR,

Your most obedient servant,

J. VAS,

Chairman, District Board, Rangpur.

Resolution No, 10 of the Rangpur District Board Meeting held on the 18th December 1907,

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READ letter no. 11522C., dated the 10th October 1907, from the Chief Secretary to the Government of Eastern Bengal and Assam, enclosing India Government no. 2316, dated the 24th August 1907, on the subject of the Imperial and Provincial Advisory Councils.

"*Resolved*".—That the thanks of this Board are due to the Government for the expansion of political rights and privileges implied in the proposals for Legislative and Advisory Councils, but that the hope is expressed that these proposals do not represent the last word on the subject. Resolved, further, that the representation of individual members, if any, be forwarded to Government through the proper channel".

No. 1638.

FROM

F. W. STRONG, Esq., I.C.S.
MAGISTRATE AND CHAIRMAN, DISTRICT BOARD,
DINAJPUR,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dinajpur, the 4th December 1907.

SIR,

In continuation of my no. 1592, dated the 27th November 1907, on the subject of Advisory and Legislative Councils, I have the honour to say that I have now received the opinions of four prominent members of this Board and to submit a summary of these opinions for your perusal, in case it should not be too late for them to be of use.

Imperial Advisory Council.

(1) The Imperial Advisory Council should not be purely advisory. The opinion of a two-third majority in the Council should be accepted by Government. The Council should also be allowed to take the initiative and put up any subject to Government when a two-third majority agreed to do so.

(2) Members of the professional classes of proved merit and ability and moderate views should be admitted to the Council. This is necessary as the landholders and princes are no longer in touch with the people to the same extent as formerly.

(3) Some standard of education should be insisted on. A common knowledge of English would be essential to the deliberations of the Councils.

(4) The opinions and deliberations of the Councillors should not be confidential. This would be inconsistent with the proper representation of the people by the Councillors.

Provincial Advisory Councils.

The inclusion of representatives of the small landholders, industry, commerce, the professional classes, and the non-official European community is approved.

Enlargement of the Legislative Councils.

(1) An educational limit should be insisted on for membership of the Councils.

(2) It will be impossible, at any rate at first, to insist on the representation of each class by a *boná-fide* member of that class. Education is as yet not sufficiently advanced for this.

(3) More legislative power should be given to the Councils, otherwise the members will take very little interest in them.

(4) The landholders on the Imperial Legislative Council should be partly elected by the Provincial Councils and partly nominated. Their number might also be increased with advantage.

(5) The Imperial Legislative Councils should contain a few trained lawyers and journalists of moderate political views. Such men are the brain of the community.

Budget discussion in the Legislative Council.

The discussion of the budget under different heads will serve no useful purpose unless it be possible to alter the budget actually under review as a result of such discussion. Some means might be devised to allow the non-official members of the Councils to offer suggestions on the budget after its preparation but before it is actually presented to the Council.

General.

Attendance at headquarters in connection with meetings of the various Councils will entail very heavy expenditure, especially on the landed classes, and it will be necessary to provide travelling allowance and free quarters of the Councillors. The representative of the Muhammadan community, who was consulted, gave it as his opinion that the Muhammadans would very much prefer nomination to election to the various Councils. He also thought that the measure suggested for securing the adequate representation of the Muhammadan community on the Councils would be greatly appreciated by his co-religionists.

I have the honour to be,

SIR,

Your most obedient servant,

F. W. STRONG,

Magistrate and Chairman, District Board, Dinajpur.

No.1486.

FROM

A. H. CLAYTON, Esq., I.C.S.,

CHAIRMAN, DISTRICT BOARD, TIPPERA,

To

THE SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM, APPOINTMENT DEPARTMENT.

Dated Commilla, the 18th January 1908.

SIR,

In reply to your no 11794—11801C., dated the 22nd October 1907, I have the honour to state that I have had some difficulty in eliciting the opinion of the members of the Board in this matter. In the first meeting, in which the question was raised, the members stated that they would prefer to submit their opinion in writing. They have, however, failed to do so; and in the next meeting scarcely any of the non-official members were present.

2. I understand that the majority of the non-official members do not approve of the proposals for the Advisory Councils now put forward. They disapprove of the non-representative character of the proposed Mofussil Council, and have little confidence in the wisdom or public spirit of such a Council of Ruling Chiefs and teritorial magnates.

3. It is suggested by a Hindu non-official member, whose views are, I think, those of the majority of his class, that the Advisory Councils should always sit together to consider such matters as are referred to them with a non-official President, and that their resolutions on matters so referred to them should be accepted by Government.

4. The special provisions for the election and nomination of Muhammadans in the Mofusil Legislative Council are regarded as invidious. A provision for the nomination of six non-official members by the Viceroy to represent minorities or special interests would be less open to objection.

5. The proposal that seats in District and Local Boards should be filled by election among occupational groups appears to be impracticable. A reasonable proportion of landholders of the district might perhaps be expected to take some interest in the election of one or more of their members to serve in the District Board, but their is little hope that the traders, cultivators or artisans of a whole district would do so. The landholders would, however, probably resent being placed in the same position with other groups in such an election and also stand aloof. For the purposes of the District Boards it is perhaps more important that the members should represent different parts of the district, than that they should represent different classes of the population.

I have the honour to be,

SIR,

Your most obedient servant,

A. H. CLAYTON,

Chairman, District Board, Tippera.

No. 264.

FROM

BABU SARAT CHANDRA CHATTERJEE, B.L.,

CHAIRMAN, RANGPUR MUNICIPALITY.

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Dated Rangpur, the 4th November 1907.

SIR,

With reference to your no. 11531C., dated the 10th October 1907, forwarding the Secretary to the Government of India's no. 2310-2317 on the subject of formation of the Imperial Advisory Council, *etc.*, I have the honour to inform you that the subject was put up before the special meeting of the Municipal Commissioners of Rangpur for their consideration.

A copy of an extract paragraph (1) of their Resolution is herewith annexed for your information.

I have the honour to be,

SIR,

Your most obedient servant,

S. C. CHATTERJEE,

Chairman, Rangpur Municipality.

Copy of an extract, paragraph (1), *from the proceedings of the Municipal Committee held at their special meeting on the 23rd November 1907.*

*   *   *   *   *

Resolved that, in the opinion of the Municipal Commissioners, the proposed reforms fall far short of the existing needs and that they do not consider that the Advisory Councils, as proposed, are likely to attract intelligent and thoroughly representative men who are really willing to serve their country and Government, unless greater powers are vouchsafed to them and greater respect for their views is shown by the Government, and that a mere council of chiefs and notables without their being fully supplemented by thoroughly representative people from other branches of life, is not likely to be in touch with either the people or the Government, and a Council formed on the lines proposed is not likely to prove of much value or assistance to either of these parties. The Commissioners further are of opinion that in the formation of Legislative Councils, better representation of the more intelligent and educated classes of the community should be provided for and not curtailed in the way proposed.

Carried by all the Commissioners present, excepting Maulvi Syed Abool Fattah and Dr. Muhammad Mozammal, who, though present, refrained from expressing any opinion.

No. 1350.

FROM

KHAN BAHADUR KHAJEH MAHAMED YUSUFF,
CHAIRMAN, DACCA MUNICIPALITY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Dacca, the 29th November 1907.

SIR,

With reference to your endorsement no. 11524C. of the 10th October 1907, forwarding a copy of nos. 2310-2317, of the 24th August 1907, from the Government of India, regarding the formation of Advisory Councils and the enlargement of the Imperial and the Provincial Councils, I have the honour to state that the letter was considered at a meeting of the Municipal Commissioners, held on the 20th instant, and a Committee of two Commissioners was appointed to report. Their reports were again considered at another meeting held on the 27th idem, attended by 10 Commissioners; 6 of them were of opinion, marked A, given by one member of the Committee and three of opinion, marked B, given by the 2nd member. I beg to forward copies of both these opinions for your information.

2. I also beg to add here my personal views on the letter under reply.

3. I have carefully read through the Government scheme on the formation of the Imperial and the Provincial Advisory Councils and on the enlargement of these Councils, and in my opinion both the Advisory Councils will be useful bodies, but I would venture to suggest that the Councillors may be empowered to draw attention of the Government on important matters affecting the public peace and convenience unasked.

Provincial Advisory Council.

4. Regarding the constitution of the Provincial Advisory Council, specially of this province, I think it should consist of 40 members, of which—

19 to be landholders.
9 to be traders.
9 professional gentlemen.
1 recognised Pandit.
1 ditto Maulvi.
1 Specialist.

40

Imperial Legislative Council.

5. I should think that the number of Provincial Electorate to elect a great landholder representative in the Imperial Legislative Council should not be less than 150, and that the land revenue is not a suitable standard to judge the income of the landholders. The cess papers might be a correct guide to the income of the representative, which should not be less than Rs. 50,000 derived from a direct revenue-paying estate.

6. The alternative solution suggested in paragraph 15 of the Government letter:—

"That a representative of the landholders should be elected to the Imperial Council by the landholding members of the Provincial Council, either from among their own number or from among landholders, paying the amount of land revenue that may be fixed, as giving the right to vote for or to be a member of the Provincial Council does not commend to me, nor would I suggest to follow the system of nomination for this purpose."

7. I have already said that the correct standard to ascertain the income of a representative or elector will be the cess papers and not the land revenue.

I would therefore have, in clause 1 of paragraph 17, the cess paid, as a standard, and not the land revenue. But the income should, I think, be not less than Rs. 5,000, which will embrace the great body of substantial landholders. I would increase the income of an income-tax payer, in clause 2 of the same paragraph, from Rs. 1,000 to Rs. 5,000, as it would exclude the low-class Muhammadan traders.

8. I would not authorise the non-official members of the expanded Provincial Council alone to elect a Muhammadan representative to the Imperial Council as mentioned in paragraph 18 of the said letter.

9. Regarding the expansion and the reorganisation of the Provincial Legislative Council, I would suggest to double the present number of the Councillors, that is, it should consist of 30 members as follows, not more than 14 to be officials, which may be thus divided:—

Provincial Legislative Council.

(*a*) 3 Secretaries.
- 2 Members of the Board of Revenue.
- Inspector General of Police.
- " " of Hospitals.
- " " of Excise and Registration.
- Legal Remembrancer.
- Commissioner of Dacca Division.
- Commissioner of Assam.
- Director of Public Instruction.
- Director of Land Records and Agriculture.
- Chairman of the Dacca Municipality.

(*b*) 4 Nominated members.

(*c*) 12 Elected members, consisting of:—
- 1 By the traders.
- 1 By the tea planters.
- 1 By the Port Commissioners of Chittagong.
- 2 Landholders.
- 2 Muhammadans.
- 1 By the Municipalities.
- 1 By the District Board.
- 1 By the Local Board.
- 1 By the professional men.
- 1 By the traders.
- —
- 12

The two landholders to be elected by persons of the same class with an income of not less than Rs. 10,000, which is to be ascertained from the cess papers.

The two Muhammadan Councillors are to be elected as stated in paragraph 7 of this letter.

The professional members may be elected by two professional classes, the B. L.s, and Barristers and the L. M. S.

The trader may be elected by any trader paying an income-tax on an income of Rs. 5,000

The professional and the trader members may be elected by voters of the same class in a division forming into a group out of five in the province, each division having the power to elect one member by rotation.

Regarding the election by the Municipalities, the District and Local Boards, the present system may be followed.

10. I am in agreement with the Government in their views expressed in paragraph 21 as far as it recommends to frame a higher franchise of the voters for the Municipalities and the District Boards. But I would not recommend introducing special qualifications for the members of the Councils.

11. The scheme recommeded by the Government of India in paragraph 22 of their letter does not seem suitable to me. I would not make any class distinction in this selection.

I have the honour to be,

SIR,

Your most obedient servant,

KHAJEH MAHAMED YUSUFF,

Chairman, Dacca Municipality.

A

FROM

MAULVI MUHIBUDDIN AHMED,

MUNICIPAL COMMISSIONER, DACCA,

To

THE CHAIRMAN, DACCA MUNICIPALITY,

Dated Dacca, the 25th November 1907.

SIR,

I have carefully considered the proposals sketched in the India Government letter no. 2310-2317, dated the 24th August 1907, regarding the formation of Advisory Councils and the enlargement of the Legislative Councils, and I welcome them as an earnest of Government intentions to take the people with confidence in the administration of the country. It is a regrettable fact that many of the Government measures and actions are at times misunderstood and misconstrued by the people, and I believe that the proposed Advisory Councils will help to disseminate correct information among the masses and enable Government to gauge the real popular feeling on any question affecting the public. They will further give to the rulling chiefs and the territorial magnates an interest in the administration of the country and will thereby tend to the stability of the empire.

Imperial Advisory Council.

As regards the constitution of the Imperial Advisory Council the proposals made in paragraph 5 of the Government letter commend themselves to me, but I would have preferred to see some sort of electorate devised by which the rulling chiefs and the territorial magnates could be either wholly or partly elected.

Provincial Advisory Council.

The proposal sketched for Provincial Advisory Council are very indefinite, and until further details are available it is difficult to offer any criticism. I however, fully realise the necessity of such a Council in every province. The maximum strength of the Council will perhaps vary with different provinces, but it should not be very much smaller than the Imperial Advisory Council: what I would specially contend for is that the Council should be sufficiently large and representative of all classes and interests, so that the Government may not remain in the dark as to the real views held by all the important sections of the community in any important public question. In the case of these Councils also, it is desirable to devise some sort of electorate, by which the members will be either wholly or partly elected.

Imperial Legislative Council.

I think the Commissioners should agree with Government that territorial representation is unsuited to India and at all events, in the state of education in the country, and that in order to make the Imperial Legislative Council truly representative of the people, there should be due representation of various classes, races and interests of the Indian Empire.

Coming now to the detailed scheme set forth in paragraph 12 of the Government letter for the enlargement of the Imperial Legislative Council, I am in agreement with the principles underlying them. The only comment I would make is that perhaps too much prominence has been given to the landed interest. In view of the fact that some of the non-official members elected by the Provincial Councils would probably be landholders, it is not necessary that there should invariably be seven landholders elected by the nobles and the landholders of the different provinces, when the non-official members of the Provincial Council elect a landholder to represent them in the Imperial Council, that province should have the right to vote for a second landholder. The seat or seats thus set free may be given to the minorities or special interests to be filled up by election.

As regards the election of members by the great landholders, I agree that there should be an electorate varying in size from 100 to 150 in every province, but the qualifications for voting should not be more than Rs. 500 land revenue in the permanently-settled area. The amount of land revenue paid by a landholder there is no certain guide as regards his income. The cess valuation papers will, I submit, afford a better guide as regards the income of the landholders in the two Bengals; and the right to vote should depend upon income rather than upon the amount of land revenue paid. If the qualification is to be based on payment of revenue, I

think it should not exceed Rs, 500 in the permanenly-settled area. The condition that the member elected to represent a class must himself belong to that class should be strictly enforced, and I would also insist on another condition, *viz.*, that the member should possess sufficient educational qualification to understand the proceedings of the Council.

If it is found that a satisfactory electorate cannot be constituted on the lines suggested above, the best solution of the difficulty will be to allow the elected landholding members of the Provincial Councils to elect one from among their number or from among landholders with necessary qualifications as to income or payment of land revenue.

Muhammadan representation.

I am in hearty agreement with the Government proposal to set apart a fixed number of seats for the Muhammadans, to be filled party by nomination and partly by election. Otherwise, I see no chance of their due representation in the Council. The electorate proposed by the all-India Muhammadan Deputation seems to be suitable, but as regards the class mentioned in clause (*c*) I would reduce the limit as to payment of income-tax to one upon an annual income of Rs. 5,000 or of land revenue of Rs. 500 for this province.

Provincial Legislative Council.

I fully approve of the general principle enunciated in paragraph 20 of the Government letter that the widest representation should be given to classes, races and interests subject to the condition that Government should always command a majority. I do not think that it is necessary to raise the electoral franchise in the Municipalities or the Local or District Boards as this will debar the poor people from having any voice in the administration of the country. There is, however, no objection to the raising of the qualification of the members to be elected to the Provincial Councils. But it should not be raised to such an extent that the people of the middle classes representing well-to-do cultivators should be precluded from sitting in the Council.

As regards the scheme set forth in paragraph 22 of the Government letter, I think the proposals made in clauses (*a*), (*b*), (*c*) are both feasible and desirable. Of the two alternative methods suggested in clause (*c*) from class representation, the one that causes the least trouble in preparing the list of voters may be adopted.

As regards Muhammadan representation in the Provincial Councils, the scheme suggested in paragraph 17 will serve the purpose well. The only difficulty will be as to the permanently-settled area. It may be solved in the way I have suggested in the case of the Imperial Legislative Councils. The cess valuation papers will afford a better indication of income than the amount of land revenue paid. I would fix the amount of income at Rs. 2,500 and of land revenue at Rs. 250 as the necessary qualification for voting under clause (1) in so far as this province is concerned.

Budget discussion.

I accept the proposals made by Government as to budget discussion.

Conclusion.

The last remark I have to make about the Legislative Councils is that there is no proposal to give any new or additional powers to the reformed Councils. It would have afforded me greater pleasure if Government had granted additional powers, such as that of introducing Bills to the new Council. It may be said that Government is perhaps moving very cautiously, and would wait to see how the reorganised Councils will turn out, but I venture to think that a beginning may perhaps be made in the way of granting somewhat larger powers to the Council, along with their reorganisation.

I have the honour to be,

SIR,

Your most obedient servant,

MAULVI MUHIBUDDIN AHMED,

Municipal Commissioner, Dacca.

B

FROM

BABU SARAT CHANDRA CHAKRAVARTY,
COMMISSIONER, DACCA MUNICIPALITY,

To

THE CHAIRMAN, DACCA MUNICIPALITY.

Dated Dacca, the 24th November 1907.

SIR,

I quite approve of the Government of India's intention of "giving the people of India wider opportunities for expressing their views on administrative matters." But the scheme as formulated by them is, as it appears, not only not sufficient to meet the requirements of the people, but is, in many respects, objectionable. Except making provisions for a larger representation of the popular views in the Legislative Councils, the scheme does not make any further improvement of the existing state of things, and is not progressive. It does not propose to give any further power to the members of the Councils than what they have already been enjoying. This power consists in simply discussing the budget, making comments on the administrative policies of the Government and making interpellations. With the spread of education and enlightenment and the "indubitable proof which the people have given of their intellectual fitness," the Government may concede to the people the privileges of exercising an effectual control over the finance and substantial voice in the actual work of administration.

The Advisory Councils are not likely to promote the objects for which they are proposed to be constituted. The ruling chiefs and territorial magnates, with rare exceptions, are not in close touch with the people. Their opinion in administrative matters may mislead the Government and injure the public. The ruling chiefs and territorial magnates, under the peculiar condition of the government of the country, are not independent persons, and, in giving their opinion, will look more to the pleasure or displeasure of the Government or Government officials than to the real interest of the country and the people. With the spread of education, the "territorial magnates" have very little influence over the people unless they are themselves men of education and of advanced ideas. People nowadays have little faith and confidence in a man simply because he is wealthy or a big landlord. The other object for having the Advisory Council, *viz.*, "to make the Government measures and motives generally understood and in correcting erroneous and other misleading statements of facts or purpose imputed to them" may be best attained by making declarations in writing or in speech by responsible officers of the Government. If the Government at all intends to have such Councils, the best way to constitute them would be, if possible, by election of their members by electorate bodies constituted for the purpose.

Legislative Councils.

It is not correct to say that the District Boards, as at present constituted, are not represented by landed interests. The barristers and pleaders who are alleged to preponderate in those bodies are generally themselves landed proprietors, and moreover the big landed proprietors generally are not so well educated and enlightened as the lawyers are. Any scheme which seeks to give preference to wealth over education and enlightenment cannot claim to be a progressive one. The big landed proprietors are generally not independent persons. They are to a great extent under the control of the District Officers, and are not likely in most cases to give independent opinion in legislative or administrative matters. The lawyers, on the other hand, are the only class of people in the country who can form an enlightened view in any particular measure of the Government and at the same time afford to give an independent opinion about it. It is no fault of theirs if the big landed proprietors do not seek to enter the Councils by means of election. However, the scheme, so far as it proposes to enable the landed proprietors to elect members to the Legislative Councils, may be given a trial. But their representation in the Provincial Councils ought to be entirely by constituting an electorate for the purpose. Any selection of them by nomination will, I am afraid, defeat the object. The representative of the landholders may be elected to the Imperial Council by the landholding members of the Provincial Council, either from among their own members or from among landholders paying at least a fixed amount of land revenue.

Of the proposed 54 members only 18 members or one-third of the whole are to be elected. Of these two are to be elected by the two Chambers of Commerce. These two are surely to be Europeans. Then, only 16 members out of 54 will represent the Indian public. In order to keep the paramount power of the Government in tact, it is not necessary that the Government should always be able to reckon on a numerical majority of votes in the Legislative Councils. The right of vetoing any particular measure is an adjunct of the Sovereign power. The paramount power of the Government is always safe in the exercise of this privilege. Even if it be thought necessary to retain a numerical majority, the appointment of so large a number of Government officials as mentioned under heads A and B of paragraph 12 is quite inadvisable. It will most surely dislocate public business in requiring the attendance of a large number of responsible officers of Government simply to ensure a majority of votes. Of the total strength of 54, 28 or, including the Viceroy, 29, will be Government officials. It cannot be assumed that all the rest, namely, 25, including a ruling chief, 7 noblemen and great landlords, 4 nominated non-official members and 2 experts would in a body vote against the Government.

Imperial Legislative Council.

The scheme relates to the representation of special interests and the minorities and in particular of the Muhammadan community. The principle of class representation is always objectionable, on the ground that it makes a distinction between the different classes of the community and makes the fusion of their interests impossible. At the same time it ought to be admitted that the Indian commercial classes are entitled to have their special representative in the Councils, like the two Chambers of Commerce. In the province of Eastern Bengal and Assam and the Punjab the Muhammadan population preponderates over the Hindus, and the reason why a comparatively few Muhammadan members have hitherto been elected is that their community is less advanced in Western education, and takes little interest in public matters. If it seems at all desirable to assign a certain number of seats to be filled exclusively by the Muhammadans, they ought not to be given the additional privilege of electing members in the ordinary manner, as that will minimise the chances of other communities.

The constitution of these Councils are not clearly defined in the scheme. It is objectionable to divide the population by race, caste, etc., and allot seats in the Councils accordingly. It will simply minimise the chances of educated and enlightened persons to get themselves elected. The Government is, I think, not correct in assuming that the interests of the different classes, castes and religions are antagonistic to each other. The past history of the Legislative Councils in this country, under the elective principle, shows that neither the electors nor the elected have shown any bias or prejudice in this respect. The policy, the result whereof is likely to create a cleavage between the different races, castes and religions in the country, is most retrograde and cannot be too strongly objected to. The present constitution of the District Boards and Municipalities have been found fault with on account of the very low franchise which have been framed for these bodies. This defect can very easily be remedied by raising the franchise of both the electors and the elected. There is not a single instance of improper or undesirable election of a member of the Council on account of the low franchise of the District Boards or the Municipalities. The Government will not be justified on any account to curtail the privileges of these bodies which they have so long enjoyed and which they have always exercised with great caution and propriety. The workings of the Bengal District Boards and Municipalities have always been highly spoken of by District Officers, Divisional Commissioners and successive Lieutenant-Governors, as will be seen from the published administration report. Any scheme to change the constitution and system of election of these bodies or to curtail their privileges will be sorely felt. The empowering of the Local Government to introduce into the system of elections and nominations of the District Boards and Municipalities the principle of assigning a fixed population as divided by race, caste or religion and permitting the members of that class to select its own representative is objectionable. Under the present arrangements, these bodies are working very smoothly, and to the satisfaction of all, and no occasion has arisen to introduce changes in their constitutions.

Provincial Legislative Councils.

On the whole, the present scheme is not at all a progressive one, and is in many important points, as pointed out above, objectionable.

I have the honour to be,

SIR,

Your most obedient servant,

SARAT CHANDRA CHAKRAVARTY.

No. 537.

FROM

G. MORGAN, Esq.,
CHAIRMAN, NARAYANGANJ MUNICIPALITY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Narayanganj, the 16th November 1907.

SIR,

With reference to your letter no. 11525C., dated the 10th October 1907, forwarding copy of the Circular nos. 2310-17, dated the 24th August 1907, from the Government of India, I have the honour to state that the Municipal Commissioners at a meeting held on the 15th instant, expressed their opinion that they welcome any scheme which will give a larger representation in the Government to the non-official classes.

I have the honour to be,

SIR,

Your most obedient servant,

G. MORGAN,

Chairman, Narayanganj Municipality.

No. 155.

FROM

BABU RAJANIKANTA DAS,

CHAIRMAN, MUNICIPALITY, BARISAL,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dated Barisal, the 25th November 1907.

SIR,

With reference to your letter no. 11526-C., dated the 10th October 1907, asking to furnish the opinion of the Commissioners on the points raised in the India Government communication regarding the Advisory Councils, etc., I have the honour to state that the Government proposals were carefully considered at a special meeting of the Commissioners held to-day, and beg to enclose herewith a copy of the Resolution passed by them on the respective points.

I have the honour to be,

SIR,

Your most obedient servant,

PRAMOTHO NATH MUKERJEE,

Vice-Chairman,

for *Chairman.*

Proceedings of a Special Meeting of the Municipal Commissioners, Barisal, held on the 25th November 1907.

The Government communication regarding the Advisory Councils, etc., copy of which received with the Eastern Bengal and Assam Government no. 11526-C., dated the 10th October 1907, was laid on the table, and the following Resolutions were passed after due consideration :—

ADVISORY COUNCIL.

1. Unless the Advisory Council is constituted on an elective basis so as to represent the different classes and interests of the community, this Board consider that the Advisory Council, as proposed, will not serve any useful purpose.

ENLARGEMENT OF THE LEGISLATIVE COUNCIL.

2. In the opinion of this Committee the elective basis of the Provincial and Imperial Councils should be broadened so as to make each Commissionership at electorate for the Provincial Council and half of the Commissionerships of each Province an electorate for the Supreme Legislative Council at each election, exclusive of the representation of the special interest as proposed. If under this scheme non-official members constitute the majority in exceptional circumstances, the power of the veto or the acceptance of such principles and provisions of a Bill, as may be desirable, may be reserved by the Governor-General in Council.

No. 262.

FROM

BABU SHAMA CHARAN ROY,

CHAIRMAN, MYMENSINGH MUNICIPALITY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Mymensingh, the 27th November 1907.

SIR,

With reference to your letter no. 11527-C., dated the 10th October 1907, forwarding a copy of the communication no. 2316 (Public), dated the 24th August 1907, from the Government of India in the Home Department, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Council, the enlargement of Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets and requesting to communicate an expression of the opinion of the Commissioners, I have the honour to inform you that the matter was laid before a meeting of the Commissioners held on the 21st instant, and I beg to submit their opinion as follows.

2. The Government of India in paragraph 2 of the aforesaid communication recognises the great educational progress that has been made and the intellectual fitness of the Indian people in the actual administration of the country. In this connection the Commissioners beg most respectfully to submit that the educational advance that has been made has been made mostly by the middle class, and whenever it pleased Government to employ an Indian in the actual administration of the country it was invariably from among educated middle class. Besides, they form the connecting link between the aristocracy and the mass, and they are well acquainted with the affairs of the ruling Chiefs and the territorial magnates. They have better opportunities of knowing the needs and feelings of the people at large, and they are more in touch with them, and it will not be out of place to mention here that the administration of most of the Native States is conducted by men recruited out of the educated class, and His Majesty's Government has recently been graciously pleased to recognise this by appointing two gentlemen in the Indian Council from outside the territorial magnates. For these reasons, the Commissioners are of opinion that in order that the proposed Imperial Advisory Council may really be a useful and helping body to Government, a certain number of representative and educated men should be associated with the ruling Chiefs and the territorial magnates in the formation of the same, and they would suggest that half the number should be from such educated class and they should be selected according to elective system. The question may then arise as to how they are to be elected. The Commissioners beg to suggest that they may be elected by the non-official elected members of the different Provincial Councils or by the Municipalities of Calcutta, Madras, Bombay, Allahabad, Lahore, Rangoon, Nagpur and Dacca, or by both.

3. With regard to paragraph 4 of the India Government communication, the Commissioners beg to state that in their opinion, unless there be some legislative recognition and some initiative powers are vested in the Councillors, their advice and deliberations will not inspire much confidence in the public mind and commend to the public opinion; and the Commissioners further beg to suggest that when, for purposes of deliberations, the Councillors are called together, the whole body, instead of in part, should be called.

4. With regard to clause 6 of paragraph 5 of the proposed scheme, the Commissioners beg to suggest that the proposed Advisory Council should not only be authorised to deal with such matters as might be specifically referred to them by Government, but also with such other important matters on which they desire to express their opinion and invite Government to take action.

5. With regard to clause 7 of the said paragraph, the Commissioners beg to submit that, though the deliberations may be held in private but the subject discussed, the main points of discussion and the conclusion arrived at should be published, so that there may not be any room for surmises and erroneous impressions, as well as for impressing upon the Councillors greater responsibility of their office.

6. As regards the formation of the Provincial Advisory Council, the Commissioners beg to suggest that clear and distinct provision should be made whereby the services of such representative and educated men as are competent to advise Government on important subjects, may be secured, and half the number of the Councillors should be elected by the principal Municipalities and the District Boards of the respective Provinces. The Commissioners beg also to submit that when the Councillors are called together some one from amongst themselves should preside instead of the head of the Government or some high official deputed by Government, so that they may carry on their discussion with greater freedom and interchange their thoughts more freely. The head of the Government or any high official may open the meeting and state on what subjects their advice is sought and then retire, leaving the Councillors to discuss the subjects.

7. With regard to the scheme about the enlargement of the Legislative Council both Imperial and Provincial, the Commissioners feel constrained to observe that it appears to them that if the scheme be carried out as it is, it will not be any improvement of the existing Councils, though the number of the members may increase. In their opinion it will be a retrograde move. The framers of law, they humbly beg to submit, should be men of genius, well-read in the laws of the country and conversant with the jurisprudence of other countries and well acquainted with the needs and requirements of the people, so that any measure that may be before the Council may be efficiently dealt with by them, and the principle of creating special electorates according to caste, creed or race does not commend itself to the Commissioners for in their opinion this will serve to deteriorate the efficiency of the Council on the one hand and create and sustain racial feelings on the other.

8. In connection with this, the Commissioners beg to submit that in the existing Councils the reason why during the last few years the members of the legal profession preponderated over other classes is, that the electors considered them to be better qualified to serve their country than members of any other class and the Commissioners venture to state that these elected members discharged their functions to the satisfaction of their constituents and their country.

9. The Commissioners take the liberty of suggesting that the Government will be pleased to modify the scheme in such a way as to ensure the return of experienced, educated and representative men in both the Councils, irrespective of caste, creed or colour, and that the majority of the members of the Councils may be returned by the electorates.

I have the honour to be,

SIR,

Your most obedient servant,

SHAMA CHARAN ROY,

Chairman, Mymensingh Municipality.

No. 227-M.

FROM

BABU BHUBN MOHON MAITRA,

CHAIRMAN, RAMPUR BOALIA MUNICIPALITY.

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Rampur Boalia, the 15th December 1907.

SIR,

With reference to your letter no. 11529-C., dated the 10th October 1907, I have the honour to submit the following report in consultation with the Commissioners of this Municipality. The proposed reforms are no doubt intended to confer a real boon but I am afraid whether the main object will be attained by the mode in which the Council will be constituted. The establishment of an Advisory Council of Notables is a good idea in itself, but it does not go very far, and it is open to objection on the score that these territorial magnates of whom the Council is to consist represent neither the people nor the educated classes of the community, that the selection is restricted to nomination, and not based on elective principles, and, moreover, the opinion of these magnates will receive very little consideration. It is contemplated to enlarge the Legislative Councils, subject to the maintenance of an official majority. This step may be thought to be in the right direction, but the proposals do not appear to be free from objection, inasmuch as the Council is intended to be enlarged by an increase of official members and additional representatives of some community and of landed interest without making adequate provision for representation of many important interests, such as agriculturists, artisans, etc., and of certain other bodies, such as municipalities. The scheme proposes to raise the elective franchises and make the Members of Councils eligible by merely property or money qualification without any regard to educational standard. I respectfully venture to suggest that a condition may be added that an educational qualification of certain standard, along with property or money qualification, is necessary to constitute a member or voter.

I have the honour to be,

SIR,

Your most obedient servant,

BHUBON MOHON MAITRA,

Chairman, Rajshahi Municipality.

Proceedings of a Sub-Committee meeting of the following Commissioners of the Chittagong Municipality, held on 28th November 1907, at 5-30 p.m.

Present :

E. A. W. Hall, Lieutenant-Colonel, I.M.S., Chairman.
Maulvi Aman Ali, Vice-Chairman.
Munshi Mahamad Razimally.
Babu Kamini Kumar Das.

Subject :

1. India Government letter no. 2316 (Public), dated the 24th August 1907, with enclosures, on the subject of the formation of an Imperial Advisory Council, the formation of Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial budgets.

2. The Sub-Committee consider that the proposed Imperial and Provincial Advisory Councils should prove very useful. That the enlargement of the Legislative Councils, as proposed, is very desirable.

That as regards paragraph 15, the system of nomination be adhered to rather than the other systems mentioned.

That as regards the election of the two Muhammadan members, the mode of election mentioned in paragraph 18 be adopted.

That as regards elections of the Provincial Councils and to District and Local Boards and Municipalities, class representation be adopted.

E. A. W. HALL, *Lieutenant-Colonel, I.M.S.*
Chairman.

MEMO. no. 18-G.

Dated Chittagong, the 10th January 1908.

Copy forwarded to the Under-Secretary to the Government of Eastern Bengal and Assam for information.

AMAN ALI, *Vice-Chairman,*
for *Chairman.*

No. 267-L.

FROM

THE CHAIRMAN OF THE GAUHATI MUNICIPALITY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Gauhati, the 6th December 1907.

SIR,

Referring to your letter no. 11533-C., dated the 10th October 1907, forwarding a copy of Government of India's letter no. 2316, dated the 24th August 1907, asking for an expression of the opinion of the Municipal Commissioners on the subject of formation and enlargement of Councils, I have the honour to state that the question was fully discussed at a meeting of the Commissioners held on 25th November 1907.

The Commissioners are highly thankful to the Government for giving them an opportunity of expressing their views on so important a matter, and they desire me to submit the following suggestions.

Imperial Advisory Council.

Its proposed constitution.

The Commissioners do not see why only ruling Chiefs and territorial magnates should form this Council, and why they should all be appointed by the Viceroy. They can find no good reason for excluding all other classes from this Council. The high privilege of advising the Imperial Government in the humble opinion of the Commissioners ought not to be the monopoly of the landed aristocracy in exclusion of the representatives of the people and of all classes of the community.

In the opinion of the Commissioners, half of the Imperial Councillors may be chosen from the aristocracy by nomination and the other half from the representatives of all other classes by election. Besides, some provinces, like Assam Proper, where there are no Chiefs or landholders, will go unrepresented to the Council. The Commissioners do not approve of the idea of consulting members of this Council individually or of treating their deliberations as confidential. It is admitted by the Government in paragraph 6 that opinions obtained by collective deliberations are often different from, and frequently more valuable than, that elicited by individual constitution.

Provincial Advisory Council.

The Commissioners are glad to find that the Government desire to make this less aristocratic and less exclusive than the Imperial Council.

The Advisory Council of the Province of Eastern Bengal and Assam may consist of twenty members, four from each Commissioner's Division. Half of the members may be nominated and the other half may be elected.

Imperial Legislative Council.

The Commissioners regret that the reasons given by the Government for considering that the present elective system has failed do not seem to them to be convincing. They do not see why the election of lawyers by the District and Municipal Board shall be considered objectionable. Legislators have very difficult and responsible duties to perform, and without proper education and training one cannot perform those duties satisfactorily. There are no doubt members of the landed aristocracy who exercise considerable influence and are pre-eminently fitted to be members of the Legislative Council, but it is more due to their education and public spirit than to their position as landholders that they are held in esteem by the public. The public have a right to expect that their best men should be selected to act as their legislators and the Commissioners do not think that such men are to be found in large numbers

among landholders alone. While Government do not approve of the idea of any class, specially the legal profession, getting any undue prominence in the Council, the new scheme is framed in such a way that under it the landed aristocracy has been given a prominence which, in the opinion of the Commissioners, it cannot claim. That the landed aristocracy is entitled to a fair share of representation, the Commissioners do not deny, but they see no justification for giving them such prominence which the new scheme proposes. The Commissioners beg to point out that, as the landholders derive their revenues from the poor raiyats, their interests often clash with those of the raiyats, and they cannot be expected to represent the raiyats on such occasions. Our Legislature has on several occasions enacted laws to protect the raiyats from their landlords, notwithstanding their strenuous opposition. The landholders themselves depend on the educated middle class for the management of their own properties. Our educated men have very few opening for them. They either join public service or take up law as their profession. It is only therefore natural that some of our best men can be found among the members of the legal profession, and the choice of the people will fall on them when they require men to represent them in the Council. As pointed out in the *Statesman* newspaper of the 29th August, "in the House of Commons, in the Chamber of Deputies, in the American House of Representatives, the lawyers largely predominates for the simple reason that legislation requires expert criticism, a task which the training of the lawyer enables him to perform more efficiently than the average layman. That the lawyer members of the Council discharge their duties satisfactorily no one denies. They are often chosen by Government to serve in Select Committees, which shows that their services are appreciated by Government. The Commissioners, therefore, think that instead of 7 only 2 seats should be reserved for the landed aristocracy and that the present system of combined election and nomination should be adhered to. If any particular class goes unrepresented, Government can nominate a member of that class to represent it.

The Commissioners think no necessity for creating a special electorate for Muhammadans. Of course, there ought to be effective and thorough Muhammadan representation, but there seems to be no adequate reason for giving them treble representation, as proposed. If sufficient number of Muhammadans cannot enter the Council through election, Government can make up the defficiency by nomination.

Provincial Legislative Council.

The Commissioners are not in a position to give any definite opinion as to the number of members of the Council of this province. They think that, whatever the number may be, the present method of combined election and nomination should be followed. They are opposed to class representation, and they think that it will be a reactionary and unprogressive step to introduce it. There is no reason to take away the privilege of partial election which the people have enjoyed for the last few years.

In this Municipality the present elective system is acting very satisfactorily. All classes are properly represented, and no better results will be achieved by introducing class representation.

It is unfortunate that Assam has not yet been represented in any of the Councils. There should be at least three members from Assam on the Provincial Legislative Councils. One of these should be elected by the Municipalities of the Division, and of the three, provision should be made to enable one of them to go up to the Imperial Legislative Council.

Budget discussion in the Legislative Council.

The Commissioners fully appreciate the privilege which the new scheme will give to the public in the discussion of the annual budget. Though it does not go so far as the Commissioners desire, still they are thankful to the Government for the concessions proposed.

I have the honour to be,

SIR,

Your most obedient servant,

AZAHAR HUSAIN, *Vice-Chairman,*

for *Chairman, Gauhati Municipality*

[Confidential.]

FROM

THE HON'BLE MR. H. SAVAGE, C.S.I. I.C.S.,
FIRST MEMBER, BOARD OF REVENUE, EASTERN BENGAL AND ASSAM,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, *November* 1907.
(*Received 28th November* 1907.)

SIR,

WITH reference to your letter No. 11501C., dated the 9th October 1907, and enclosure, I have the honour to submit my views on such of the points raised in the communication from the Government of India in the Home Department on the subject of the formation of Advisory Councils and the enlargement of the Legislative Councils, upon which my experience in India affords me justification for arriving at and expressing an opinion.

2. With ruling Chiefs I have come but little into contact, and of the landholding and commercial classes in other provinces than Bengal I have seen nothing ; but with these classes in Bengal I can claim a long and more or less intimate acquaintance, and the points on which I feel competent to express an opinion are—

(*a*) the propriety of forming from these classes Provincial Advisory Councils ;

(*b*) the propriety of enlarging the Provincial Councils to allow of the inclusion of more representatives of these classes in those Councils.

On these two points I may premise that such remarks as I may make will be applicable mainly to this Province of Eastern Bengal and Assam.

3. (*a*)—The reasons which have led the Government of India to suggest the formation of Advisory Councils for the various provinces are not stated categorically.

From the communication to which you refer it may, however, be inferred that the reasons, or at least the most important of them, are—

(1) that education has spread among the landholding and commercial classes ;

(2) that these classes "are anxious to be afforded an opportunity of expressing their views on matters of practical administration";

(3) that Advisory Councils would assist Government in "making their measures and motives generally understood ...." and would supply "a means for fee and close consultation."

4. I will take these three reasons in order.

(1)—It may be admitted that "education" (using the word in the meaning which is now-a-days given to it) has spread and has to some extent influenced the landholding and commercial classes ; but what in sober truth is that education and its effect? It is something which has raised, or even tended to raise, the classes among whom it has extended to a higher plane of thought or action ? Has it made any landholder more mindful of his duties to his tenantry—or has it made any man in commerce more honest in his dealings ? My answer—an answer which I feel certain will be echoed by every thinking man who has had personal experience of Bengal—is an emphatic No.

5. What this misnamed education has done has been to weaken or destroy the good and to strengthen the evil in men—to push loyalty, good faith and good manners in the background and to bring to the fore flaunting sedition and blatant bumptiousness. The landholders, as far as it has influenced them at all, it has drawn from their village homes to the towns there to live in idle luxury without a thought for the welfare of their tenantry, and on the commercial classes its influence (fortunately as yet but slight) has tended to throw them into the hands of unscrupulous agitators who seek to use them as a weapon to embarrass and eventually to overthrow the Government.

6. To men under the influence of this education it surely cannot be to the advantage of the community at large that Government should turn for advice.

7. (2)—Not these classes themselves, but those who pretend to represent them and hope to use their weight in their political contest with Government, have put forward claims to political power for them. The claims put forward are, however, far different from that of a wish to express views on matters of practical administration. This power individually, and by their numerous associations, these classes already possess and freely exercise. The claims amount to no less than an exclusive right to govern the country and to such claims there can be but one reply.

8. (3)—Already through the various associations of these classes Government is in a position to consult with them and to make measures and motives understood. It is a mistake to think that any closer consultation with these classes would lead to better understanding of Government measures or motives. The classes which misunderstand are the ignorant masses, who are misled by men who, though they are full well aware of the real measures and motives of Government, deliberately misrepresent them to the masses. It is not by naming a certain number of landholders or traders "Advisory Councillors" that this misrepresentation will be controlled, but by stopping the mouths of those who engineer the misunderstanding.

9. To sum up, in my opinion the reasons given for the institution of Provincial Advisory Councils fall far short of affording a justification for the proposal.

10. Moreover, I may point out that in this province at least the material from which the Advsiory Council could be constituted will be very difficult to find. Leaving out of view non-official Europeans, of whom we have an ample and well-qualified supply, where are we to look for the non-official native Councillors? To fulfil the object of their appointment, they must be not only men "of light and leading," but most essentially "of loyalty" also. Of such men the number is very limited, and Government can easily consult them without conferring on them an empty appellation. Ordinarily the best among them will be on the Provincial Lagislative Council, and it will be simpler to give Government power (if it has it not already) to use that Council or its members as advisors than to frame a separate Council with practically the same members so as to avoid a petty legal quibble.

11. To two Councils, one Advisory and the other Legislative, there will always be this objection that, unless the two agree (in which case one at least will be superfluous), one must prevail over the other. Either Government will follow the advice of the Advisory and override the non-official element in the Legislative Council and the latter Council will be deprived of all real power, or the advice of the Advisory Council will be disregarded, in which case that Council might as well not exist.

12. (*b*)—I have previously given an opinion on this subject and need only repeat here as to the general question that I am of opinion the Legislative Council in this province should be enlarged by giving wider representation to the European communities interested in the tea and jute industries and to the native community which is dependent on agriculture.

13. As to the subordinate question of the manner in which the election of elective members should be conducted, there is much room for difference of opinion. I doubt whether it is possible to frame any scheme which will, while retaining even the semblance of freedom of election, shut out the men who now get in, *i.e.*, if they retain the desire of getting in. I have had opportunities of seeing exactly how the machinery of elections for both Municipalities and Local Boards is worked, and I do not feel the slightest doubt that, as long as there are remains a real elective principle, the men who now engineer the elections will in future continue to do so and will *per fas aut per nefas* secure the election of men who will dance to their music. The fact is that in this province at least there are at the present time two parties only one the enemies of Government—few in number but astute, energetic and capable, the other the inert neutrals—the great mass of the people—who wish for nothing better than to be left alone and who move, if at all, only in obedience to outside impulse.

14. There was a time when there was a third party—that of the friends, real and pretended, of Government, but "rejected both of heaven and hell"—scorned by officials as sycophants boycotted by the "patriots" as "traitors to their country." These have dwindled in number and influence to the vanishing point, and now outside of official circles the only opposition which the first class meets with is the *vis inertiæ* of the second, which, though effective more or less when attempts are made to set the mass in motion, is of no effect in respect to elections in which to win the first class has but to leave the second in quiescence.

15. For these reasons my opinion is that it is useless to change the system under which elections are held. Any change, short of the total abolition of elections, which tends to limit the franchise would practically have no result other than that of offering a handle to hostile criticism.

I have the honour to be,

SIR,

Your most obedient Servant,

H. SAVAGE,

First Member, Board of Revenue,
Eastern Bengal and Assam.

No.

FROM

THE HON'BLE MR. C. R. MARINDIN, I.C.S.,
MEMBER, BOARD OF REVENUE,
EASTERN BENGAL AND ASSAM,

To

THE HON'BLE MR. P. C. LYON, I.C.S.,
CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dated Dacca, the 21st December 1907.

Sir,

IN reply to the Hon'ble Mr. LeMesurier's letter No. 11502C., dated the 9th October 1907, I have the honour to offer the following expression of my opinion on the subject of the formation of Imperial and Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils.

Imperial Advisory Council.

1. I agree with the proposal made by the Government of India to form an Imperial Advisory Council. It seems to me, however, a matter for consideration whether the members of this Council should be selected from among the Ruling Chiefs and territorial magnates only, as appears to be contemplated, or should also include representatives of the mercantile and industrial classes. It might be argued on the one hand, that by confining membership to the ruling and territorial class the Government of India are limiting the use which it is desired to make of this advisory body, both in respect to disseminating correct information on public affairs or correcting misrepresentations of the intention of Government and in advising upon measures of Imperial importance. The limitation proposed seems also open to the criticism that the Government of India's scheme for constitutional reform fails at the outset to "meet the real requirements of the present time," as this part of it does not "make adequate provision" for the representing of the important mercantile and industrial classes and the "great body of moderate men" with aspirations for "a political life." It is almost certain that these classes will not be fully content with a measure which begins by excluding them from the Imperial Advisory Council and will not be likely to accept the proposition that, so far as their interests are concerned, the territorial magnates are their hereditary leaders. On the other hand it may, I suppose, be presumed that the Government of India have considered this point and think that to enlarge the constitution of the advisory Council beyond the proposed limits would be to render it unwieldy and that, as they propose to include the commercial, industrial and professional classes in the Provincial Advisory Councils, it is sufficient for the ends it is desired to attain to limit, as they propose the membership of the Imperial Advisory Council. They may also perhaps think that the inclusion of these other classes in that body would detract from the dignity which should attach to it.

After giving this matter careful consideration I am inclined to recommend that the membership should be enlarged so as to include representatives of the commercial and industrial classes and the large body of "Moderates." The latter class is mainly composed of men of the learned and legal professions. My reason for proposing this modification is that it will make the measure more popular and save it from criticism on the score of partiality and also, more particularly that I think the Council will really be of more use to Government if some provision were made for the representation of the great commercial and industrial interests of the country, including the European Chambers of Commerce and the learned and legal professions. If room cannot be found for this wider representation within the limit of sixty members, I suggest that the number might be somewhat increased without causing inconvenience. At the same time, if it is thought that the wider representation I have suggested is likely to endanger the success of the measure by detracting from the dignity of the Council and making a seat on it less acceptable to the Ruling Chiefs and territorial magnates, which I admit is not an inconceivable contingency, then I recommend that the conditions of membership should stay as the Government of India propose.

Provincial Advisory Councils.

3. Accepting the general principles laid down in the letter of the Government of India for the formation of Provincial Advisory Councils, I confine my remarks to the following suggestions.—

I think that it would be a distinct advantage that Provincial Members of the Imperial Advisory Council should form the nucleus of the Provincial Advisory Council of the province to which they belong. I recommend that their consent to be members of the Provincial Advisory Council should be a condition of their being admitted to the Imperial Advisory Council. Presumably Provincial Members of the Imperial Advisory Council will be persons most eminently fitted to advise the Provincial Government on matters concerning the province to which they belong, and it does not seem fit that they should be given the high privilege of assisting the Imperial Government as members of the Imperial Advisory Council unless they agree to render a corresponding assistance to the Government of their own province.

4. I would also suggest that when the Local Government desire to consult a member of the Provincial Council by letter the channel of communication with him should be through the Commissioner and District Officer of the Division and district to which he belongs. This seems necessary in order that the continuity of authority of the local officers should be maintained. A good deal of the consultative work done collectively with the Provincial Advisory Council will doubtless be done by Committees of the Council by meetings of the members resident in the same district or division as the matter may require. The District Officer in the one case and the Commissioner in the other should, I suggest, ordinarily preside over the deliberations of the Committee of his district or division, respectively.

Imperial Legislative Council.

5. The problem before Government as stated in the Government of India's letter, is how to provide for the due representation, within the limits imposed by the necessity of maintaining an official majority in the Council, of the vast diversity of classes, races and interests in the Indian Empire. The constitution proposed for the Legislative Council of the Governor General seems to be a fair one. It provides for 28 officials, 7 nominated and 18 elected members; two seats are reserved for the commercial classes through election by the Chambers of Commerce for Calcutta and Bombay, and seven seats for the landowners, while other members to represent that class may come in under head D (C): four seats are reserved for Muhammadans, and additional representatives of that class have a chance of election under head D (B) and (C). Thus taking the number of native members in classes D (B), (C) and (D) and in class E to be eighteen, the proportion of seats reserved for Muhammadans will be a little over one-fifth and the actual number of seats they obtain may possibly be higher. I agree fully with the view that substantial representation should be given to the great landowners, and this appears to have been sufficiently provided for.

6. With respect to the question of an electorate to return a member for the landowners, I am inclined to say that in this province it would be best to adopt the suggestion made at the end of paragraph 15 of the Government of India's letter and obtain a representative of this class by nomination by the Local Government. If this suggestion is not approved, I think the best alternative would be election by the landholding members of the Provincial Council, either from among their own number or outside it. It would be difficult, however, to define exactly what a land-

holding member means, as a member may own landed property but belong in reality to the commercial, money-lending or professional classes, and his sympathies and interest may not be identical with those of the landed aristocracy.

7. In paragraphs 16, 17 and 18 of their letter the Government of India deal with the question of a Muhammadan electorate. It certainly is most desirable that in any elective system that may be decided upon the Muhammadan community should for that purpose be treated separately from the Hindus and be given a special Muhammadan electorate. With regard, however, to the two seats reserved for Muhammadans under class D. (D) I should prefer to see them filled by nomination by the Local Governments in rotation rather than by election. The electorate described in paragraph 18 has much to recommend it, but I would point out that in this province, owing to the general poverty of the Muhammadan landlords, it would be at some disadvantage in obtaining the return of a member to represent this province.

Provincial Legislative Councils.

8. There is no doubt, as pointed out by the Government of India, that the present qualification both for electors and candidates in the case of Municipalities and District Boards has been fixed too low and that their franchise is a very unsuitable foundation for the election of legislator, on the Provincial Councils. I understand, however, that so far as election to membership of the Municipalities and District is concerned the Government of India do not propose to alter the existing franchise, nor do they propose to withdraw from Municipalities and District Boards the privilege of election to the Provincial Councils. At the same time the Government of India think that a solution might be arrived at by introducing special qualifications for Members of Council, and what is desired is to introduce some system for the representation of classes now liable to be crowded out by any predominant section of the population.

9. So far as the Provincial Legislative Councils are concerned, the simplest way of carrying out these suggestions would be to leave the election to seats on these Councils by the Municipalities and District Boards as it is now and to provide for an additional number of members to represent particular classes and races (Muhammadan and Hindu) in the desired proportion either by nomination or by election by a special electorate. The objection to this plan, however, is that it would leave the Municipalities and District Boards where they are, and it is certainly desirable that on these local Committees there should be a wider and fairer representation of the different classes, occupational groups or races interested.

10. I think the best solution so far as Municipalities and District Boards are concerned is for the Local Government to determine what proportion of seats on either should in each district be filled by the representatives of certain classes of occupational groups or races and to arrange for an electorate for each class, occupational group or race to be composed of members of each. A standard of class or occupation seems to me preferable to one of caste, as in respect to class or occupation castes are very much mixed up. Thus for District Boardst he main classes that suggest themselves are landlords, traders and (in a minority) the professional class. I have not included cultivators, and I think in this province it would be practically impossible to frame any workable electorate for that enormous and, for the most part, illiterate class. Their interests moreover on District Boards are very much identical with those of their zamindars as both are chiefly concerned with the improvement of roads and communications, and so far as sanitary measures, water-supply and education go their interests may safely be left in the hands of the District Officers. In the case of Municipalities, the division might be into occupational groups representing the chief interests of the town concerned, traders, shop-keepers, professional men and owners of house property.

11. For both Municipalities and District Boards there should be assigned a fixed number of seats to Muhammadans. The electorate for both Municipalities and District Boards would then be determined so as to give a special electorate for each class, occupational group of race upon the existing qualification for franchise with which the Government of India does not propose to interfere.

12. Turning now to the system for election to the Provincial Legislative Council, the same number of seats would, as I understand, continue to be allotted to members elected as at present by Municipalities and District Boards, and with the change proposed in the constitution of these Local Committees and Boards, there should be some improvement in the results of their elections. The Councils themselves, however, will be enlarged, and the question is whether the additional number of members should

come in by nomination or by election. It also has to be considered what main classes and races require special representation and in what proportions. To discuss the latter point first, I recommend that the lines indicated in paragraph 12 of the Government of India's letter regarding the constitution of the Governor General's Legislative Council should be followed.

13. In this Province the main classes to be represented are the territorial or landlord class, the tea planters, the commercial or trading class and the professional class, and the main races, Muhammadan and Hindu. Substantial representation should be given to landholders and a larger representation than is the case at present should be given to the tea planters. The Chamber of Commerce of Chittagong should have one membership reserved. I cannot suggest any way of representing the cultivating class, and I think that under existing conditions their best representatives are the Government officials concerned with the land revenue administration.

14. The next question is whether class and race electorates should be formed or if these additional members should be nominated. The tea planters, Port Commissioners and Chambers of Commerce may very well be allowed to elect their respective members; probably the best electorate for the tea planters would be their associations. With respect to the other classes, a certain number of members might be elected and the rest nominated by the Local Government. For the territorial or landed class, I think the best electorate would be the Landlords' Provincial Association. An electorate for the commercial and trading class might be formed from persons whose principal income is derived from trade and who pay income-tax up to a certain amount. The electorate for the members representing the professional class should, I suggest, be formed of graduates of the University of more than four years' standing and professional men paying income-tax up to a certain amount. For the seats reserved for Muhammadans I recommend as the best form of electorate the Provincial Anjuman to which might be added graduates of five years' standing. I think workable electorates might be formed on these lines.

15. I agree generally with what the Government of India say regarding the discussion of the Budget Debates in Council. To some extent the method they propose for removing existing defects in the debate is already followed in the Council of this province, and I do not think that much more can be done than allowing perhaps more time for the discussion of the budget as a whole and taking up the discussion more systematically under the separate main heads of the budget. I would not propose to give any voting power to the Council on the contents of the budget, nor does this appear to be contemplated by the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

C. R. MARINDIN,

Secretary to the Board of Revenue, Eastern Bengal and Assam.

No.

FROM

THE HON'BLE NAWAB KHWAJA SALIMULLA, BAHADUR, C.S.I.,
OF DACCA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dacca, the 1st December 1907.

SIR,

I HAVE the honour to acknowledge the receipt of your letter inviting my humble opinion on the Government of India's letter of the 24th August last in the Home Department, on the subject of the formation of the Advisory Councils, the enlargement of the Legislative Councils, and the procedure to be adopted in discussing the budget, and in compliance with your request I beg to offer below my views on the points raised therein.

Imperial and Local Advisory Councils.

I note with delight that Government intend inviting, and have perhaps invited, public opinion on this momentous question because I consider that no definite conclusions can be arrived at on individual opinion, in a matter of such vast magnitude as embraces the interests of all India. The time has indeed arrived when it is imperative that, for the efficient administration of the country, there should exist a closer relation between Government and the people, and it is my conviction that the proposed reform will go a great way to establish it. Very often the masses are led astray by the self styled every-day leaders, who infuse into them a perverted idea as to the motives of Government, tending to create discontent and disloyalty in their minds, and it is high time that such disagreeable growths be utterly discouraged and Government be pleased to point out to the illiterate men, who are always carried away by those of superior intellect, the recognised leaders through whom they should approach Government with their grievances, and I believe the present scheme will answer this purpose admirably. As it is, I think, and many notable persons, both Hindus and Muhammadans, with whom I had occasion to consult, agree with me that the scheme is a decided improvement on the existing regulations. It is not, however, possible to predict with any degree of certainty that the scheme is bound to be a complete success and beneficial to the entire population until and unless it has been given a fair trial and time has discovered and removed its defects.

It suggests to me, and many, I believe, will concur in my view, that the Councillors should have at least the privilege of representing the needs and sentiments of the people of their province at their free will, as otherwise they will fail to command the respect commensurate with their high functions, which will defeat the main object of the scheme.

During my membership of the Imperial and Provincial Legislative Councils I have always experienced considerable difficulty in offering my counsel in matters concerning religion. I assume, and I think I am not far wrong, that the nobility are too deeply immersed in worldly affairs to devote themselves to the study of religion, and are therefore not in a position to advise Government in such matters with any authority. Under the circumstances, I would humbly suggest that some literate men versed in religious and social laws, be also taken in the Council.

If my interpretation of the motives of Government is correct, the scheme appears to me to aim at ascertaining the views of the masses, through the leaders who are recognised by Government, to attain which it is essential that each district should be represented in the Provincial Advisory Council, even if the size is bigger than that of the Imperial Advisory Council, for it will be, in other words, establishing a

private body of informants, as distinct from the official one, to whom Government may refer when occasion arises, and it is only then that Government may be acquainted with the true local conditions of the country.

Enlargement of the Imperial Legislative Council.

I have no suggestion to make regarding the enlargement of the Imperial Legislative Council, only that the land revenue fixed for the eligibility of a person to the membership is extraordinarily high, and should be reduced to Rs. 5,000 only. In other parts of India, for a similar income, the land revenue is far in excess of that of Bengal and Eastern Brngal, where the land-owners enjoy the privileges of the Permanent Settlement, and if Government cannot see their way to accept the aforesaid suggestion, a special provision should be made for these latter provinces.

The scheme also does not specifically provide for representations from the Parsi, and Sikh, and such other recognized sects. To my mind it seems that it will be doing them a little injustice by ignoring them.

Enlargement of the Provincial Legislative Council.

The reform suggested is all that can be desired. Never have the claims of the Muhammadans been so justly recognised, and we are deeply indebted to Lord Minto's Government for this act of kindless. I can assure Goverment that the adoption of the proposed methods will be hailed by the Muhammadans, as it will fill them with noble and high aspirations and with them an intense desire to be deserving, and hence a thirst for knowledge.

Discussion of the Budget.

I have no suggestion to offer regarding the discussion of the Budget.

Ir conclussion, I congratulate myself and my Indian brethren, specially my own community, on the facilities Government propose to afford us by the introduction of such well-intentioned and highly appreciated reform.

I have the honour to be,

Sir,

Your most obedient servant,

KHWAJA SALIMULLA.

No. 139.

FROM

THE HON'BLE MAHARAJA GIRIJA NATH RAY BAHADUR,
OF DINAJPUR,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dinajpur, the 23rd November 1907.

SIR,

I beg to acknowledge receipt of your letter, with enclosure, No. 11508-C., dated the 10th October 1907, and have the honour to submit my humble views on the proposed formation of the Advisory Councils, enlargement of the Legislative Councils, and the Budget discussions as follows :—

The Imperial Advisory Council.

The primary causes which led the Government of India about 20 years ago to initiate such reforms as the enlargement of Legislative Councils, introduction of elective system, right of interpellation and free discussion of the Budget, were (1) "the spread of English education, (2) increased employment of the natives of India in the actual administration of the country, and (3) the undoubtable proof which they had given of their intellectual fitness for such employment ;" since then two decades have passed, and although it is difficult to accurately estimate "the extent of the advance which has since taken place in the development of the educated classes," some idea, however, of the intellectual development of the country can be formed from the number of scholars which nearly doubled since the reforms were first introduced. Moreover, higher education "has penetrated to circles which a generation ago had hardly been affected by its influence." In short, the Government of India are of opinion that the ruling chiefs and the landholding and commercial classes possessing "a material stake in the country and representing the most powerfuland stable element of the Indian society" have now become qualified to take a more prominent part in the public life and to render a larger measure of assistance to the Excutive Government by representing to them the "real needs and sentiments of the mass of the people" and "their feeling and wishes in respect of administrative and legislative questions and by bringing all classes of people into closer relations with the Government and its officers, and thus removing the difficulty encountered by the Government of India in making their measures and motives generally understood and in correcting erroneous and often mischievous statements of fact or purpose imparted to them" for the purpose of being benefited by the advice of the "natural leaders of the people"—the ruling chiefs and the zamindars—the Government have very kindly laid the proposal of forming Imperial Advisory Council consisting of about 60 members to be nominated by the Viceroy including about 20 ruling chiefs and 40 of the landed aristocracy to hold office for five years. These councillors, who may be consulted either individually of collectively or by means of committees appointed from amon gtheir number, should receive no legislative recognition and should not be vested with power of any sort. Their functions should be purely advisory and they are to deal with such matters as might be referred to them from time to time. When called together for collective consultation, their proceedings will be confidential and informal.

It is gratifying to note that these noblemen are recognised by the Government as the fittest persons for holding the post of councillors. But although these chiefs and territorial magnates are to be called Imperial Councillors, their funtions are so circumscribed and limited under the present scheme that they will hardly be able to do much or any good. The present restrictions are enough to bring about a sort of apathy in the councillors to matters referred to them, and they cannot be expected to act earnestly and zealously.

I am, therefore, of opinion that some of the restrictionss over their functions should be removed and some powers given to them which would remind them of the heavy responsibility of their position and prompt them to act with zeal and earnestness.

I would suggest that in any administrative and legislative matter brought before the Council, the opinion of two-thirds of the members should be accepted by the Government, and that when the two-thirds of the members agree between themselves to put up any subject before the Government, they should be allowed to take the initiative.

I would further suggest that in order to make the Advisory Council a practical working body, cultured men of moderate political views and of prove merit and ability should be introduced into the Council; now that the legitimate and hereditary leaders of the people have to a certain extent lost their influence under adverse radical domination.

It appears to me that the number of the British Indian members is not adequate, considering the extent of the population of British India and that of the Native States. The ruling chiefs live isolated from British India, and are not conversant with the aims, requirements and feelings of its residents. They have community of interest only with regard to a very few matters, such as education, famine relief, plague, etc. Their number in Council is rather large, and might conveniently be reduced in favour of the territorial magnates.

The Imperial Advisory Council, as it is proposed to be formed, presents some difficulties. The Councillors speaking different dialects, unless they be all educated and English speaking, will not be able to exchange their thoughts with one another and fail to be of any help to the Government for collective consultation.

It is doubtful whether "confidential communications will secure frank interchange of opinion" because very few persons dare speak frankly to high officials.

Further, the secrecy which Councillors are to maintain is inconsistent with the idea that they should be the channel through which the people and the Government are to exchange their views.

In this connection, I must bring one thing most prominently to the notice of the Government. The landholders are to belong to both the Imperial and the Provincial Advisory Councils, and as they will be required to be consulted either individually or collectively or by means of committees appointed from among their number, they may be called at any moment to the Imperial or Provincial headquarters. As thes magnates have not only a position to maintain, but their very mode of living requires comfortable housings, etc., they will be required to keep houses and separate establishments ready to receive them at the summer and winter headquarters of the Imperial and Provincial Governments. The cost of this and the cost of journey to these places with retinue becoming their rank and position, on several occasions a year, shall prove ruinous to them. The question of expenses alone would compel them to decline the honour. It is therefore desirable that the advisers should be called once or twice a year collectively and their *boná fide* travelling expenses paid and free quarters given to them.

Provincial Advisory Council.

The constitution of this Council, as proposed, is based on a wider basis. The inclusion of the representatives of the small landholders, industry, commerce, capital and professional classes as well as of the non-official Europeans, would make a strong and fully representative Advisory Council.

Enlargement of the Legislative Councils.

The scheme of the enlargement of the Legislative Councils is based on these principles—

(1) Enlargement of the Council to the fullest extent compatible with the necessary authority of the Government.

(2) Representation of classes and interests.

(3) Setting up a counterpoise to the excessive influence of the lawyer class and their virtual monopoly of powers exercised in the councils by giving substantial representation to the great landholders.

Much opposition has been raised as to this exclusion of the lawyers. But the claims of the lawyers have not been wholly ignored by the Government. There are many zamindars ,who are lawyers as well, and the lawyers also come within the representation of the professional classes. I think the landed classes would make the best members of the Council, as their interest are in a large majority of cases identical with that of the Government and the people. But as this is the beginning of their political traning, it is necessary to associate with them cultured men of moderate

political views, of mature age and proved ability, who should be also sincere well-wishers of the Government and the people. This can be done by removing the restriction that a class representative must belong to the class which he represents.

Imperial Legislative Council.

The formation of this Council, as proposed, is objectionable on the following grounds:—

(i) No additional concessions have been given to and no new powers conferred on the Council. The general principle on which the present scheme is based is that the widest representation should be given to all classes, races and interests subject to the condition that an official majority must be maintained. Under the present rules, 16 additional members are taken in the Imperial Council for the purpose of legislation, among whom 6 are officials. The ordinary Council of the Governor General consists of 6 official members, excluding the Commander-in-Chief. So there are more than 12 official members and 10 non-official members. Again, among the non-official members there are European representatives of European commerce. Thus the Anglo-Indian majority is already great. In the scheme proposed an addition of 16 to non-official members is no doubt a liberal concession, but this has been neutralised by an addition of 14 to official members. Thus, the new Council shall contain only 7 members who are not the nominees either of the Government or of some particular class or interest, I therefore fail to see any real improvement in the Council.

(ii) The increase in the number of the councillors without any corresponding increase in their powers and privileges will only tend to lengthen the preceedings of the Council in the way of academic discussion without affording any appreciable public benefit. The Government fully recognise the urgent necessity of enabling the people (their representative members) "under the present scheme to take a more effective part in shaping the action of the Government." The views of the people and of the Government are therefore the same. But the object cannot be gained by a mere increase in the numerical strength of the Council, unless the representatives of the people are armed with the greater powers to exercise a healthy control over the administration and decide the course of legislation by their votes.

(iii) The conferring of the special privileges to the Muhammadans is open to serious objection. Any invidious distinction between class and class is far from desirable, as it is most mischievous in its results and will put the Government in a very embarrassing position. If the Muhammadans are given the special privileges as proposed in the scheme, the members of the other communities will be justified to claim that seats in the Council might be reserved for their representatives too; and if their prayer is not heard, there will be much heart-burning and deep discontent in the country. The reason given for the special concession to the Muhammadans is that on account of their "number and political and historical importance" they are entitled to it. But I think the number of the non-Muhammadan population is twenty times as many as that of the Muhammadan and their political and historical importance do not in any way place them above the Hindus, the Sikhs and others. Hence there cannot be any doubt that the conferring of special privilege to a certain sect is impolitic.

The recognition of the claims of the landed class is very gratifying, but the number of seats open to their representatives appears to be too small and falls far too short of the requirements.

As to how the representatives of the landholders will find their place in the Council, I am of opinion that they should be partly elected by the members of the Provincial Councils and partly appointed by nomination.

Provincial Legislative Council.

Although no definite scheme for the organisation of the Provincial Council has been proposed, the lines on which they are to be constituted are clearly indicated. Representation is to be based on racial, religious, and caste or class distinctions, and the Municipal and the Local Boards forming the electorates are to contain members coming from heterogeneous groups of men; and the constitutions of these bodies have to be considerably modified. *Mudies, banias, artisans* and *cultivators* will become members of the Municipal and Local Boards, and no respectable men, especially the landed class, will ever go there and take their seats with these people. Thus, the very aim of giving "widest representation to all classes" shall be frustrated.

Our cultured men generally are not agitators. These men deserve better treatment. It is, therefore, good for both the public and the Government that the Council should contain a few trained lawyers and journalists of moderate political views besides the representatives of landholders, commerce, industry and capital. Our educated

class is the brain of the community, and is therefore indispensable in all questions, socialor political.

As I have said in connection with the expansion of the Imperial Council, the expansion of the Provincial Councils will confer no boon to the public, unless greater powers be given to the non-official members to exercise a healthy control over the administration.

The Budget Discussion in the Legislative Council.

The discussion of the Budget under separate heads will lead tono good result unless it be found possible to alter the Budget actually under review. The promise that the remarks made in the course of the ampler and more practical discussion would be borne in mind by the Government when making financial arrangements in subsequent years might not be given effect to, owing to the new circumstances that might present themselves in these years.

In my opinion it would better to adopt the mode of discussing the Budget informally some days before its presentation to the council.

To make the Budget discussion really beneficial to the country, it is but proper that the representatives of the people of the country should have a hand or at least some potent voice in regulating the expenditure and the imposition of taxes.

I have the honour to be,

SIR,

Your most obedient Servant,

GIRIJA NATH RAY,

Maharaja Bahadur of Dinajpur.

MEMORANDUM REGARDING IMPERIAL AND PROVINCIAL COUNCILS.

Legislative and Advisory.

The spread of education.—The growing if not always well-directed, interest in politics and the general progress of the people of India indicate that the time is ripe for a material enlargement of the Imperial Council. Looking to the extent of the Empire, and to its vast population of many races and many creeds, the proposals now under consideration would appear to be inadequate, judged by the standards of other countries. But the retention of an official majority necessitates and justifies the proposed limit.

The substantial addition to the Council should materially strengthen the hands of Government by more directly interesting in the responsibilities of Government an influential body of men whose influence would be in favour of stability and order and in opposition to mischievous agitation.

The presence of a single representative of the ruling Chiefs seems somewhat anomalous, and contrasts strangely with their strength on the proposed Advisory Council.

The representations of the non-official European community, to whose enterprise and energy in commercial, industrial and agricultural pursuits and progress and prosperity of the country is in a great measure due, appears to be inadequately provided for by two members (Chambers of Commerce of Calcutta and Bombay).

It is true that this number might be supplemented (1) by elections by Provincial Councils, but, in these, Native non-official members predominate and the probability is that they would elect ther own countrymen, and (2) by nominations by the Viceroy.

But even then, while the total number of members will have been greatly increased, it seems probable (or possible) that the number of non-official European members will be stationary.

The proposed enlargement of the Council will involve a corresponding and very desirable extension of the at present insufficient opportunities for discussion of financial and other administrative subjects, which should prove useful.

The approval I have expressed generally of the proposals in regard to Imperial Councils extends also to those which refer to Provincial Councils.

While I observe with satisfaction the precautions taken to ensure adequate representation of the Muhammadan community, I would submit that such precautions are still more urgently required in the case of the small European community whose invaluable services on District, Local and Municipal Boards and in Provincial Councils may otherwise be lost.

With regard to Advisory Councils it seems to me that the enlargement of the Legislative Councils, with more frequent and more prolonged meetings, will dispense to some extent with the necessity for such institutions.

In cases of emergency, consultation with Advisory Councils would entail delay and hamper executive action and the value of advice given by a Council not responsible for results and without authority would be considerably discounted.

As the proceedings of the Councils would be private and confidential, members might be supposed to have given advice—when they had never been consulted or when their advice had been opposed to the course adopted by Government—and might reasonably object to being placed in a false position.

ROBERT H. HENDERSON.

Dewan, the 27th December 1907.

No. 723.

FROM

THE HON'BLE RAI DULAL CHANDRA DEB BAHADUR,
GOVERNMENT PLEADER, SYLHET,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Sylhet, the 3rd December 1907.

SIR,

IN compliance with your letter No. 11510C., dated the 10th October 1907, I have the honour to submit herewith my opinion on the subject of the formation of Advisory Councils, etc. It is to be regretted that owing to my absence from the town to attend the meeting of the Legislative Council at Dacca, the opinion could not have been submitted in time.

I have the honour to be,

SIR,

Your most obedient Servant,

DULAL CHANDRA DEB,

Government Pleader, Sylhet.

FORMATION OF ADVISORY COUNCILS, ETC.

The policy of governing a country in consultation with those who are the governed is no doubt a very liberal policy, and, as such, is highly commendable, but it is a great question to be solved as to how this policy can be carried out. The Government of India proposes to arrive at its solution by constituting some Advisory Councils designated as the Imperial and Provincial Advisory Councils. The function of the Imperial Advisory Council will be to advise the Government of India, and that of the Provincial Councils will be to advise the Local Governments on all important political and administrative matters. It is therefore necessary to see as to how far this object is likely to be attained by the proposed institutions.

Imperial Advisory Council.

2. This Council is to be composed of the ruling chiefs and the territorial magnates, but I fear whether such a Council will serve the purpose the Government have in view. A Council like this, constituted as it will be exclusively of the ruling chiefs and territorial magnates, will be a mere ornamental body, hardly competent to give sound advice to Government in all important matters. In India it is the mediocrat who have received the light of education, and it is they who can render good advice for the solution of the important political problems that may arise in the administration of this country. But the educated class as a rule are precluded from having a share in the discussion and deliberation of the Council. The exclusion of the educated class seems to be a great defect in the scheme which has been formulated. I admit that education has reached some of the ruling chiefs and the territorial magnates, but this is an exception to the rule, and a Council composed of these members only will hardly be useful to the administration of the country. If the noble birth, high dignity, and splendid wealth as represented by the ruling chiefs and territorial magnates be supplemented by the superior intellectual attainments of the mediocrat, a Council composed of such elements as these will be a very useful body, and so I think the educated natives should be represented in it.

3. It seems to me also that the representation of the mediocrat in the Council is likely to infuse a large amount of energy and strength in it. It is they who have received the light of education in the country. Whatever may be their status in the society, they have by their superior attainments acquired the position of the natural leaders of the Indian societies. In fact, if they move, the people move, if they speak, the people speak, if they are silent, the people are dumb and mute. It is the mediocrat who administer the Native States; the big zamindaris, although they are neither the ruling chiefs nor the big landholders, it is they who supply Judges to the Indian High Courts, and fill up all the appointments in the Subordinate Executive and Judicial Services, and it is they alone whose services are utilized by Government in the Educational, Medical, and Public Works Departments. It is therefore a matter to be inconceivable that, while the mediocrats are so much valued and utilized by the Government in the administration of the country, why should they be held disqualified to advise Government in the very same matters which in another capacity they are thought fit to carry out loyally and successfully. It is true that in any project or scheme the Government may formulate, any opposition that it may meet with is likely to emanate from the mediocrat, but I see that the Government will be in an advantageous position by this opposition. All the administrative projects and schemes which the Government may carry out from time to time appear to have been based on official opinion, and, when finally pronounced, they are hotly criticised by the public. If the mediocrat be taken in the Council, the Government will be in a position to know the opinion of the public and all the reasons for and against a scheme before it is finally settled. It is equally desirable to know all the facts and figures for or against a measure, so that a happy, sound and satisfactory decision may be arrived at after giving due consideration to every point.

Provincial Advisory Council.

4. With regard to the constitution of the Provincial Advisory Council, I am to observe that it is proposed to be constituted on a wider basis than that on which the Imperial Advisory Council is proposed to be. Besides the territorial magnates, the smaller landholders, industries, commerce, capital and professional classes should also have a share in the representation in the Council. But the educated class seems to be kept in the background. The legal profession has not been expressly mentioned to have

a share in the representation, and although the expression "professional class" may include it, I do not think that on such a vague expression the members of the legal profession can claim a right to representation.

5. It is said in some quarters that these Advisory Councils will be of no use, as there is no legal obligation on the Government to act on their advice, and therefore these Councillors will be just like the Assessors who sit with the Sessions Judge in the Sessions trials. I do not admit that this contention has no force at all, but whatever may be its ultimate effect there is one advantage in it which I think cannot be overlooked. It is this. If the Council be properly constituted, they will be in a position to represent to Government the honest opinion of the leading communities in India, and so Government may thereby be able to know what is the opinion of the public on important political matters. In these circumstances, I think it is a move in the right direction.

Enlargement of the Legislative Council.

6. The enlargement of the Legislative Council, as proposed, may not, I think, satisfy the aspirations of the public. It is not the strength of the native element but the proportion between the official and non-official elements in the Council which is the subject of hot criticism. The public want that while the Viceroy or the Governor, or the Lieutenant-Governor, as the President of the Council, has a casting vote, the official and non-official elements should be even balanced. If this right be not accorded to them, it is no benefit to them whether the members of the Council be 5 or 500. I think the proposed enlargement is not likely to be hailed by the public unless the right of equal representation be conceded to them.

Constitution of the Imperial Legislative Council.

7. With regard to the constituent elements of the Council, I am to say that the legal profession does not seem to have a share in the representation. In my opinion the members of the legal profession are better qualified to give opinions on matters legislative, and their opinion, I think, ought to be valued by Government. It is true that in the official element law is well represented, but the persons who are connected with the administration of law in this country are in a better position to know the defects in the workings of the existing law than any theoretical lawyer, and so I do not understand the reason as to why this important element, that is, the legal profession in India, should be overlooked in the representation.

8. With regard to the constitution of electorate, I think that an entire province is a heterogeneous area and so election is not likely to be successfully effected if it be taken to be the unit of election. In my opinion each province for the purpose of election should, according to its area and population, be divided into a number of units which should elect members by rotation. The qualification of electors seems to commend itself to reason.

Constitution of the Provincial Legislative Council.

9. The present electorates which return members to the Legislative Council should remain as they are. The Municipilities, District Boards, Local Boards, Universities, Chamber of Commerce, Industries, Port Commissioners, are in my opinion well qualified to elect members. The qualifications of the elector in the Municipalities appears to be very low, and so it should be at least Rs. 3 as municipal tax a year.

10. The Legislative Council of this province is composed of 15 members, of whom 7 are officials and 8 non-officials. If this Council is to be enlarged, I think it should consist of 21 members, of whom 10 should be officials and 11 non-officials. Of the non-official members, 9 should be elected and 2 nominated by Government. The elected members should be returned by the following electorates, *viz.*—

I. Local Board	3
II. Municipalities	2
III. Port Commissioners	1
IV. Industry	1
V. Trade and Commerce	1
VI. Recognized Association of Landholders	1
	9

11. The suggestion made in the letter seems to be a move in the direction of the improvement in the present system, but in my opinion the important improvement to be effected in the system is the discussion of the draft Budget in the Council before it is finally settled by the Local or Imperial Government. Under the present system all the suggestions are kept in abeyance, but if the budget be discussed before it is finally settled, any practical suggestions made by the members, if accepted by Government, may be given effect to, and therefore this discussion may have a practical effect in the administration of the finances of the country.

Sylhet,
The 3rd December 1907.

DULAL CHANDRA DEB,
Government Pleader.

FROM

THE HON'BLE RAI SITA NATH RAY BAHADUR,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, the December 1907.

SIR,

I HAVE the honour to cknowledge the receipt of your letter No. 11511 C., dated the 10th October, forwarding a copy of the communication (No. 2316 "Public," dated the 24th August last) from the Government of India in the Home Department, on the subject of the formation of Imperial and Provincial Advisory Councils and the enlargement of Imperial and Provincial Legislative Councils, and inviting an expression of my opinion on the several points raised therein.

In reply, after a careful consideration of the important issues involved, I beg to submit the following observations:—

The large and generous measures of reform inaugurated of their own accord by the Government of India, and which were foreshadowed in the last Budget speech of His Excellency the Viceroy, have, I rejoice to say, evoked profound feelings of gratitude in the hearts of the upper classes of the people, especially the propertied classes, who, forming, as observed by the Government, the stable elements of the Indian Society and having a very large and material stake in the country, are henceforth to be entitled, as is justly due to them, to have a much larger share in the administration of the country and in the works of legislation. It is needlesss to point out that whatever work of administration or of legislation may be taken up in hand, it must necessarily, in some shape or other, directly or indirectly, affect the propertied and moneyed classes, and, as such, I am glad that at last Government have come to recognise the importance and just claims of the upper classes and have been impressed with the necessity and expediency of giving a wider representation than hitherto to these classes. As a very humble representative of the above classes, I beg to assure Government that they will be only too glad to take part in all works of administration and legislation that may be entrusted to them, and what is more, that their loyal support in all emergencies may be safely counted upon.

While we are deeply grateful to Government for, and beg to express our appreciation of, the liberal measures of reform, which the Government propose to introduce, and on which public criticism has been invited, I hope to be pardoned for taking the liberty to point out that there are certain defects in the proposed measures which will go to detract from their usefulness, it is particularly the exclusion of the educated classes from all right of representation, which, I fear, will, to some extent, neutralise their good effects.

In these days of unrest and excitement, Government would do well, to conciliate public opinion (and I humbly beseech Government to do so) by granting rights of representation to classes which are fitted by their intellectual capacity or by virtue of their having a large stake in the country to take a share in all administrative and legislative works and not to introduce invidious distinctions. With these preliminary remarks, I beg to proceed to deal with the several questions in the order in which they have been dealt with in the letter under reply.

Imperial Advisory Council.

The Government of India is to be sincerely congratulated on the happy conception of establishing an Imperial Advisory Council, to be composed of twenty ruling Chiefs and a suitable number of territorial magnates whose functions would be to advise Government on all important measures affecting the people, to diffuse correct information upon the acts, intentions, and objects of the Government, and to correct misstatements and to remove erroneous impressions. These councillors would in fact act as interpreters between the rulers and the ruled. This is indeed a step in the

right direction, for very often acts and objects of the Government are liable to be misunderstood by and misinterpreted to the great masses, which goes to create uneasiness among them, and as such a measure is to be hailed with satisfaction and it would have been more enthusiastically welcomed by all classes if its scope had been a little wider. But I regret to find that the membership of the Imperial Advisory Council is to be strictly confined to ruling Chiefs and territorial magnates alone (the latter being a meaningless and equivocal phrase), none of whom, especially the former, have much intercourse or are in actual touch with the great masses and not being thoroughly conversant with the wants, wishes, and statements of the people at large, would hardly be in a position to speak with authority or to advise Government soundly on matters touching the masses or their requirements.

Moreover, territorial magnates, unless they include Rajas and zamindars, are not as a matter of fact as plentiful as might be supposed, and, excepting in Bengal Proper, the United Provinces and the Madras Presidency, it will be very difficult to find out the so-called territorial magnates of the stamp indicated in the Government letter in Eastern Bengal, in the Central Provinces, the Punjab, and even in the great Bombay Presidency, and the result would be that the latter Provinces will remain unrepresented in the Imperial Advisory Council.

To make the Council a really useful and practically working body, it it is of the utmost importance that men of culture and propertied men with liberal education, of sober views, of mature age and experience, and what is more, of approved loyalty and having a material and hereditary stake in the country and paying to the Government coffers a certain amount in the shape of Government revenue and road and public works cesses or in the shape of income-tax, should be associated with the territorial magnates. It is the fusion of these two elements, the even balancing of intellect and wealth, that will go to strengthen the Council, to add to its dignity and to lend a healthy tone to its deliberations and advice, which will be respected alike by the rulers and the ruled. Otherwise a Council composed of high-sounding names alone will be something like an ornamental but dumb show.

Now as to the functions of the councillors, I do not see any reason why they should deliberate in secret (except on strictly confidential matters of State) and why their proceedings are not to be recorded. In my humble opinion, councillors would be impressed with a sense of a greater responsibility if they come to know that their deliberations would be conducted openly, and their views and opinions on important matters of State would be not only recorded and preserved for the benefit of the present and future generations, but that they would be subject to the light of public criticism. It is the opinion given openly and publicly that is likely to command respect and to inspire confidence. There may be occasions when advice given may be treated as confidential, but there are other occasions when opinions expressed by councillors, if published, may be utilised for allaying popular excitement and for correcting erroneous impressions and prejudices.

It is difficult to make out what the precise functions of the councillors would be. Are they to be consulted, whether severally or collectively, or by means of select committees, at the option of the executive Government as men of light and leading and public bodies are consulted now-a-days but to which no statutory obligation is to be attached, or should not they be consulted as a matter of course on all important measures of State touching legislation, administration, famine, education, agriculture, and a thousand and one other important matters. As a trusted and faithful subject, I humbly beseech the Government to make some substantive concessions to the people which will, when there are so much misconceptions about the acts and motives of the Government, go to restore public confidence, and to make the proposed Council an important factor in the administration of the country and to treat it as a part of the body politic. It must be treated as a living organism and not allowed to lapse into nonentity, into a dead body like the Imperial Councillors of the first Delhi Durbar.

To make the Council really useful and attractive, I would take the liberty to make the following recommendations for the kind consideration of the Government:—

(1) That the Council should be convened to meet in Calcutta at least four times a year, if not more, and the place of the meeting should be the Imperial Secretariat or the Foreign Office.

(2) The Council should be consulted on all important matters, especially those relating to legislation, taxation and administration, and no measure disapproved by three-fourths of the Council should be taken up by Government.

(3) Unless consulted confidentially, all proceedings of the meetings of the Council should be conducted openly and should be recorded, and for the above and other purposes a permanent Secretary on decent pay, with suitable establishment, should be attached to the Council.

To make the membership sufficiently attractive and to invest it with a certain amount of dignity, I would humbly propose that the following privileges should be attached to it :—

That the Imperial Councillors should have the prefix of "Right Hon'ble" before their names, they should have the right of private *entree* to Government House for life, should be exempted from the operations of the Arms Act, and should be exempted from personal appearance in Civil Courts.

My last suggestion is that internal trade and commerce of the country should be represented in the Indian Advisory Council by suitable Indian merchants of position and influence. It is an admitted fact that the internal trade is large enough and of sufficient interest to entitle it to claim representation on such a body. It is a matter of regret that such an important interest should not be deemed worthy of being represented in the Indian Advisory Council. This is an omission which Government would do well to rectify.

Provincial Advisory Council.

I have very few remarks to offer on the Provincial Advisory Council, for the suggestions I have already made with regard to the Indian Advisory Council, may, with advantage, be made applicable so far as possible to the Provincial Advisory Council

I am glad that Government have been good enough to lay down the broad principle that in the case of the Provincial Advisory Council, all the different interests, including commerce, capital, industry and the various professions should be widely represented in it. I only wish that no sharp line had been drawn and no rigid rule laid down, to exclude these important interests from the Indian Advisory Council. I also wish and respectfully pray that the procedure laid down in the case of the Provincial Advisory Council may be followed in the case of the Indian Advisory Council when the members would be called together to meet for giving collective opinion on any important matter. On such an occasion as suggested in the case of the Provincial Advisory Council, the head of the Government should preside over the deliberations of the Indian Councillors and the conclusions arrived at should be recorded by one of the Secretaries to Government, who would attend the meeting for the purpose of furnishing such information as might be required regarding the matters under discussion.

Finally, I beg to suggest that to render the membership of the Provincial Advisory Council sufficiently attractive, the following privileges should be attached to it :—

(1) That the Councillors, so long as they hold office, should be designated "The Hon'ble."

(2) They should have the right of private *entree* to Government House.

(3) They should be exempted from the operations of the Arms Act.

Enlargement of the Imperial Legislative Council.

The proposed enlargement of the imperial Legislative Council will mark an important epoch in the history of constitutional progress and will be hailed with immense satisfaction, particularly by the large landholders and the Muhammandan community. But while this will bring joy to the above two classes, the invidious creed distinctions introduced for the first time and the exclusion of the great Indian mercantile community and the educated classes from all right or representation in the Indian Council will be keenly felt throughout the whole country, and will, I fear, go to accentuate and deepen the present discontent.

I do not know on what principle men like Sir Corrimbhoy, Sir Dinshaw Petit and the other merchant princes of Bombay, and the big merchants in Calcutta and elsewhere, *qua*-merchants and bankers, are to be excluded from seats in the Indian Council while landholders like the representatives of Rajkrishna Banerjee of Howrah (whose estate is in the hands of the Collector of Chittagong), because of their paying Government revenue and cesses amounting to Rs. 50,000, or Rs. 55,000 and the representative of Kumar Jatindra Krishna Deb of the Sobha Bazar family, paying Government revenue and cesses amounting to Rs. 28,000, but in both cases with no margin of profit left and both the estates verging on insolvency, are to be deemed eligible for representation over the heads of the former class.

As observed before, it is the co-mingling of the two elements of wealth and culture, it is the meeting together as colleagues of men like the Maharaja of Durbhanga, Maharaja Bahadur Sir Jatindra Mohan Tagore and Dr. Rash Behary Ghosh and Sir P. Mehta, that will go to strengthen and dignify the Council and make their advice respected by all classes alike. Now, coming to details, I beg to state that the experiment of giving a seat to a ruling chief was tried once before, but it signally failed, and the ruling chiefs themselves would not appreciate it as a great honour, nor would they relish the idea of mixing as colleagues with people below their rank and their high pedestal. Besides, not being acquainted with the manners and customs and requirements of the people in British territory, their advice cannot be of much use; moreover, their long absence from their respective territories would be prejudicial to the management of their State affairs.

On principle, we are opposed to creed representation, it is a matter of regret than so many as four or rather six seats should be exclusively reserved for Muhammadans because they are Muhammadans.

If the principle of creed representation be admitted, then other important sects would clamour for seats being reserved for each and all of them.

In all matters relating to legislation, interests of the different sects of people being identical and not clashing, they could very well be protected and looked after by distinguished and capable men from whatever classes they might be recruited.

Without, however, expressly reserving a number of seats for any particular class, it would be better if Government were in practice to nominate two representatives from the great Muhammadan community, as one representative is generally chosen in the case of the local Council from the Muhammadan community.

The addition of 16 to both nominated and elected Members is undoubtedly a very liberal concession, but this I fear will be neutralised by the addition of about 18 official members. The soundness of the principle that an official majority should be maintained cannot, I admit, in the present constitution of the Government, be questioned, but this I fear will detract to some extent from the value of the concession.

I admit it is too much to ask for equality of votes, but even such a large measure of concession cannot in any way hamper the Government, for in all emergencies, irrespective of the casting vote of His Excellency the Viceroy Government can always command the votes of the European and nominated members and of the minorities.

With reference to the test that the payment of Rs. 10,000 in the shape of Government revenue (including, I believe, road and public works cesses) will give a landholder the right to vote and make him eligible for a seat, is in my humble opinion too high, and it would have the effect of narrowing the electorate to a limited few and its fallacy would be apparent from the following two illustrations :—

There is a small zamindar in the district of Howrah who owns a very large estate in the district of Chittagong, but assessed with a disproportionately high Government revenue for which he has to pay for Government revenue and cesses about Rs. 55,000 a year, but his margin of profit after payment of Government revenue and the establishment charges is very small indeed, amounting to about Rs. 5,000 a year, if not less. While the estate was in his own hands he could hardly realise enough rent to meet the Government revenue, with the result that he soon got involved in debt, he had therefore the good sense to make over the estate to the Court of Wards, in Chittagong, which is able, through the certificate procedure, to realise a much larger amount and thereby gradually to pay the Government revenue every *kist* regularly, besides liquidating his debts.

There is another small zamindar in Calcutta, who has a large estate in the Diamond Harbour subdivision of the 24-Parganas, for which he has to pay Government revenue, including cesses, about Rs. 28,000, but his profit is almost *nil* and at every kist he has to borrow to meet the Government revenue. He was very anxious to get rid of this property and proposed to sell it for Rs. 40,000 or Rs. 50,000. Now under the test proposed by Government, while the above two landlords, proprietors, respectively of the above two estates, because of their paying about Rs. 55,000 and Rs. 28,000 respectively, would be quite entitled to vote and be members of the Indian Legislative Council, the proprietor of Aula Fuljuri, a very large estate in Bakarganj, the Government revenue of which is only about Rs. 300, but which yields a net profit of about 1½ or 2 lakhs of rupees a year, would, if he had no other estate, be debarred from the right of voting, and would be deemed ineligible for a seat.

The above illustrations will, I humbly submit, satisfy the authorities that the mere payment of a certain amount of Government revenue is not a proper test, and is no criterion of one's wealth, income, or position.

I therefore respectfully beg to propose that the payment of Rs. 2,000 for Government revenue and cesses, or a net income of Rs. 25,000 from landed property or payment of income-tax on an income of Rs. 25,000 should entitle a person to vote or become a member of the Imperial Legislative Council.

In conclusion, I beg to submit the following recommendations that the right of election be conceded to Indian commerce, that is, to the Bengal National Chamber of Commerce and to any Association or Chamber in Bombay representing Indian commerce there; and, secondly, that four seats be allotted to the Calcutta, Bombay, Madras and Allahabad Universities, one each.

Provincial Legislative Council.

I regret to state that, no definite scheme having been formulated for the reorganisation of the Provincial Legislative Council, I am not in a position to offer due remarks on the same.

All that the Government letter sets forth is that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained. With the above object in view, as the Municipalities and the District Boards are the principal electorates for electing members to the Provincial Legislative Council, it is suggested that the constitutions of these bodies should be so changed and modified as to admit of voters recruited from heterogeneous groups of men, such as landholders, traders, capitalists, professional men, cultivators and other occupational classes.

I may state at the outset that in a conservative country like India, where sentiment plays such an important part in shaping its affairs, the effect of such a radical change in the constitutions of the Local Council and of Local Municipalities and District Boards would be to keep out a large number of the prominent men of our society from taking part in these institutions, for zamindars and bankers and merchants would hardly like to associate as colleagues with their own ryots and cultivators and artisans. For a long time yet the best persons to represent the latter classes would be the natural and hereditary leaders and the cultured men of our society, all of whom, being in daily contact with them, would be in a position to speak with authority on their behalf.

It is no use destroying the dignity and homogeneity of the Provincial Legislative Councils and of the various local bodies by introducing discordant and undesirable elements into them. I strongly deprecate the idea of representation based on religious and caste or class distinctions and the attempt to reduce the number of seats now enjoyed by the cultured men of our society, most of whom are men of wealth and property, possessing a good deal of influence. I respectfully beg to submit that it would be the great mistake to keep out the educated men of the country from all share in the administration, which will only go to deepen their discontent.

Budget Reforms.

The mere discussion of the budget by separate heads, to be explained by the members in administrative charge, cannot be of practical value, its only effect would be to prolong the debate.

Unless members are allowed to move amendments and to raise debate on matters relating to the budget, and to alter any of its items, the academical review of the financial arrangements by a single speech cannot be of much use.

In my humble opinion, with a view to allow the representatives of the people a substantive voice in the administration of the finance, it would be well to refer the settlement of the budget a month before the budget debate takes place to a Select Committee of the Council, consisting of an even number of official and elected members. The budget items being fixed according to their recommendations which would finally be laid before the Council for discussion.

These criticisms I have made in no carping or fault-finding spirit, but with the utmost honesty of purpose according to the light in me to apprise the Government of the light in which the proposed reforms are viewed by the majority of my countrymen of sober views,—men who are firmly attached to Government, and whose loyalty cannot be questioned.

The reforms proposed to be introduced by the Government of their own initiative are indeed large and generous, but not sufficient enough to satisfy the growing aspirations of the people, especially of the educated classes.

I have the honour to be

SIR,

Your most obedient Servant,

SITA NATH RAY.

COUNCIL REFORMS.

NOTE BY SYED NAWAB ALI, DATED THE 27TH NOVEMBER 1907.

For more reasons than one, the reform of the system under which the Government up to now is accustomed to ascertain the trend of public opinion is, far and away, the most important of the multifarious questions, that, from time to time, confront the Government on the one hand and engross the public on the other. The grafting, step by step, if not *en bloc* of Western or more correctly, English institutions and principles of franchise has been a consequence of the policy of Lord William Bentick, which did away with a sudden stroke of pen Persian and Urdu as the court language in this country, and introduced the gradual adoption of English instead. With the advance of English education there has gone up on the part of Indians an increasing demand for the political institutions of the West. With a beneficience, worthy of a mighty power like England, there has been a gradual and consistent concession to the demands of the educated classes. Unhappily these concessions had little or no regard to the diversity of interests differently affected. When the Local Self-Government Act was passed, and even when under Lord Lansdowne's Government a modified form of franchise for election to the Legislative Councils was introduced, it seemed to have been scarcely realised that the social and political conditions in India were far different from those in England or on the Continent. Congeries of disconnected atoms, such as those that people this vast continent of India, were regarded as a homogeneous mass. The result has been disastrous, so far as the Indian Mussalmans were concerned. A clanish monopoly had edged them out from every branch of the public service and from every order of public bodies. The District Boards and Municipalities form a living illustration.

There the followers of Islam are conspicuous by their absence ; and the present system has given to the legal profession a new class in society, a prominence to which it is not entitled. In the Council Chamber the Muhammadan influence is *nil*. Territorial representation, irrespective of the claims of the various community, has proved an utter failure. The anticipations in 1892 of the then Secretary of State for India, the Earl of Kimberly, have been thoroughly falsified, particularly in the matter of representation of the Muhammadans in the Provincial Councils. The result has been that the voting power has centred itself in a single community , and the Mussalmans felt themselves driven to the walls with a growing impression that their importance as a body politic was lightly or inappreciably estimated. The inevitable consequence was discontent, which, if it did not, with an undemonstrative community as the Muhammadans, find articulate expression, was nevertheless keen and intense.

The whole system has proved to be thoroughly unsuitable and, indeed, it could not be otherwise in a form of representation which practically ignored the essential, ethical and economic peculiarities in India.

The reforms now proposed to give through Advisory Councils and new method of representation in the District Boards and Municipalities and in the Legislative Council due and adequate weight to the voice of all classes and creeds that constitute the population of this vast empire form, therefore, a distinct advance. It marks a decided improvement on the Councils Act of 1902, and it is, I am sure hailed by all sections of the Mahomedan community, who believe that the proposed system will bring the various classes of His Majesty's Indian subjects and the Government together.

I approve of the proposal for the formation of Advisory Councils, both for the Imperial and Provincial Councils. Up to now the ruling Chiefs particularly, and the territorial magnates generally, have stood in relation to the Government in an attitude more or less of isolation. The formation of the proposed Advisory Councils would create in this important constituent of the Indian Empire a sense of co-partnership in the onerous and responsible guardianship of the common interests of India, while the frank and the frequent interchange of thought, such as would be possible under the proposed scheme of Advisory Councils, would effectually serve the purpose of checking the dissemination of inaccurate information and mischevous gossip regarding the motives and measures of Government.

I would like, however, to make a few suggestions in respect of the selection of members for the Imperial Advisory Councils. While it is important that a certain property qualification should form, more largely than anything else, the basis of eligibility for appointment to the Advisory Council, I have very grave doubts if that qualification alone would embrace adequate representation of all interests. As the members of the Advisory Council would, I am persuaded to think, form the instrument for gauging the feelings and opinions of by far a larger body of the public than has been hitherto represented or reached by the members of the Legislative Council, it is of the utmost importance that the fullest possible advantage should be taken of the system. Indeed, if the system is worked properly, I have very great hopes that the Advisory Councils would form real power behind the Government. The participation of these Councillors though of a mere consultative character, in the counsels and cares of the Government, would in directly enlist their sympathy with the usually onerous task of administration, and ultimately render them stable forces of the State. The scheme however totally ignores the almost invaluable importance of a class of men who wielded great influence under Native Government–both Hindu and Mahammadan and for whom up to now there has been no place in the administrative organization of to-day. These are men of exceptional learning and piety—*pirs* (priest) and maulanas who live on the tithes of the people, whose following is legion and who have tremendous influence with the communities. In Indian polity, questions affecting religion form a very important feature, and we cannot certainly find a more accurate class of exponents of such questions than the great *pirs* and mutwallis of *khanqahs* and mahunts of shrines. The Councillors—Imperial and Provincial—it has been suggested should receive no legislative recognition and should not, as a matter of course, be invested with formal powers, and should have no power of interpellation. Having regard, however, to the peculiar position of the Government in a country such as India, I might here take leave to suggest that, as a further way to utilise the knowledge and influence of the Councillors, power be given to them to make representation to His Excellency the Viceroy or the Governor or the Lieutenant-Governor, as the case may be, on subjects other than those on which their opinion is formally asked.

It appears that the scheme set forth proposes that the Provincial Advisory Council would be of smaller size than that of the Imperial Advisory Council. I am inclined to think however that the Provincial Advisory Council, to be of real good, should not be smaller but larger in size than that of the Imperial Advisory Council. Not only for the purposes of analogy or symmetry, but also for securing adequate representation, I think that if the Imperial Advisory Council is to represent the provinces, the Provincial Advisory Council should represent the districts. I would suggest that every district should send two members, one Muhammadan and the other a Hindu, to the Provincial Advisory Councils. I feel that the representation in the way I suggest would render the Provincial Advisory Council, really useful institutions to aid the Local Government in not only ascertaining the direction of the feeling of the province, but in acquiring accurate information in the practical work of administration.

In conclusion, I beg to advert on only one point. It is not clear, however, as to whether they should have no distinguishing mark other than that of being simply styled "Imperial Councilors," or "Provincial Councilors," a title which obviously cannot be regarded in popular comprehension as anything more than a mere explanatory pharse. It might, therefore, be well to consider as to whether they should not retain, if nothing higher, at least the distinction of being addressed as "Honourable" as in the case of members of the Legislative Councils. The immunity of exemption from the operations of the Arms Act might also be accorded to them. Abstruse ideas of dignity attached to the office itself are relatively rarer in the East than in the West; and I think it would not be difficult to perceive that in conditions of life, such as those that prevail in India, where a conception of Western political altruism is comparatively still in the stage of development, there ought to be some incentive.

The Imperial Council.

I approve in the main of the proposed scheme for the expansion and remodelling of the Council. I trust that I would not be construed as at all unduly forward to give importance to the representation of the Muhammadan community in that august Council if I said that the number of seats reserved for them was not fairly proportionate. The number reserved for Muhammadans by election and nomination added to the one or two that has been supposed as possible to come in by election by non-official members

of the Provincial Council is not, I beg to submit, commensurate with either the total strength of the Moslem population in India or their historical or political importance I would, therefore, take the liberty to suggest that the maximum strength of the Council should be 58, instead of 53, or 54 including His Excellency the Viceroy. I would have them distributed as follows:—

(A) *Ex-officio* the Lieutenant-Governor of Bengal (or of the Punjab when the Council sits at Simla), the Commander-in-Chief and the members of the Executive Council	8
(B) Additional officials to be nominated not exceeding	22
(C) A Ruling Chief to be nominated by the Viceroy	1
(D) Elected members—	
(*a*) by the Chambers of Commerce of Calcutta and Bombay ...	2
(*b*) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, the United Provinces, the Punjab, Burma and Eastern Bengal and Assam	7
(*c*) by the nobles and the great landowners of Madras, Bombay, Bengal, the United Provinces, the Punjab, Burma and Eastern Bengal and Assam	7
(*d*) by the Mahomedans	4
(E) Non-officials nominated by the Viceroy to represent minorities or special interests, not less than two to be Mahomedans	4
(F) Experts to be nominated by the Viceroy when necessary for special purposes	2

It will be seen that the above distribution gives by (D) and (E) six seats for the Mahomedans. If we take one more Mahomedan seat, the possible though not probable number of Mahomedan members would be seven. I think this would be a fair number. Any arrangement that would be likely to reduce this number would not, I fear, secure effective representation of Mahomedan interests. The figure would be about $\frac{1}{4}$ of the total non-officials. In any case, I crave leave to suggest the Mahomedan representatives should not be an ineffective minority. It might be remembered here that the total population of Mahomedans is between $\frac{1}{4}$ and $\frac{1}{5}$th of the total population of India. If we exclude the animists and nondescripts who are wrongly classed as Hindus, their precise ratio to the Hindu population would be something like $\frac{1}{3}$rd.

Again, despite the figures as to the respective population in India of the Hindus and the Mussalmans, it might be noted that, for various reasons, the most important and by far the most prominent communities of India are the Hindus and the Mussalmans, and I trust, therefore, that it might not be unbecoming to raise the ratio of the Mahomedan members to seven against almost double the number of Hindus.

The representation of the zamindars.

It has been very justly regarded as a very important point in the scheme set forth. Indeed one of the most important points for consideration seems to me to be the proper and adequate representation of the landed interests. The nobles and the great landholders of the various provinces constituting, as has been very justly remarked, "the aristocratic and stable elements in Indian society," have, more than any other class of people, a real stake in the land and their power for good and evil and the influence they exercise with the mass is immense. They therefore deserve a far wider and more liberal representation than has hitherto been accorded to them. I have, however, great apprehension that the system of election by means of provincial electorates as set forth in paragraph 14 will secure an adequate voice of that class of nobles and landholders in the Councils of the empire. I am afraid that the representation of the very class for whose interests the Government of India has very properly evinced so much care will, in a rigid system of franchise, be thrown in the back ground. The great body of ancient and historic zamindars in Bengal and in this province are those who enjoy the boon conferred by the Permanent Settlement, and consequently the land revenue paid by them is, oftener than not, inconsiderable in comparison with their annual income. If the minimum amount of land revenue which would give the right to vote were fixed at Rs. 10,000 a year, I am disposed to think that the really aristocratic and respectable families that have existed from before and since the Permanent Settlement will practically be barred out. In all likelihood they will be swamped or supplanted by a class of landholders who have come into importance in quite recent times, the bulk of whom belong to the legal profession and trade.

Three different methods of representation have been suggested. The first is (1) that all the voters be massed together into one electorate, the second is (2) that the landholding members of the Provincial Councils select their representatives, and the third is (3) that it should be by nomination. I beg to submit that the first and the second will fail to secure the purpose of proper and adequate representation of all interests. I have, indeed, very great doubts as to whether it should be practical to mass all the voters into one electorate. I am, therefore, of opinion that the safest and most effective representation of the interests of this important and stable element of Indian society would be by nomination.

If it is thought that nomination entirely by Government would be against the spirit of the recent reforms, I would suggest that, in order to secure the representation of the interests of all classes and creeds, the appointment of the landholding members for each province may be in rotation for one year by the land-owning members of the Provincial Council, and in another by the Government. This would, for all purposes, be the most practical and sound system.

Mahomedan representation.

As I have already indicated, I am in thorough agreement with the proposal enunciated in the scheme under consideration for the representation of Mahomedan interests. In a continent like India, with varying grades of wealth, influence and culture, and with diverse creeds and classes, not infrequently with conflicting interests, any electoral representations would be doomed to mischievous failure, which purported to give personal franchise, regardless of the multifarious beliefs and traditions of the various communities that compose the population. I have no doubt, therefore, that the suggestion in paragraph 17 for the purpose of filling up the Mahomedan seats or a portion (I hope the greater portion) of them would command the most cordial and hearty acceptance of the Mahomedan community generally. And though I think I am not required now to go into details as to what should be the basis of a Mahomedan electorate for the purpose in question (a subject which would, I understand, have to be discussed with the Provincial Government), I might here add that I thoroughly approve of the constituency proposed for the Mussalman electoral body. I would support the suggestion embodied in paragraph 18 of the note, and I think that the electorate suggested by the Mahomedan Deputation which waited upon His Excellency the Viceroy in October 1906 may be adopted. There may be some difficulty in compiling a list of voters under (*c*), but I feel confident that an electorate determined under sub-heads (*a*), (*b*), (*c*) would not only be popular but ensure fair representation.

Provincial Legislative Councils and Boards.

I note with gratification that regard is had to the fact that it is not likely that "any one scheme would prove to be equally adapted to all provinces," and it is left ultimately to the Provincial Government to suggest modifications called for by the discrepancy of Provincial conditions and that whatever be the form or method of representation, the broad principle will be always kept regard to, that it secures the widest possible representation of all classes, races and interests, subject to the necessary and all-important proviso that an official majority is maintained.

Under the practice in vogue, the Municipalities and Boards supply the electorate for the majority of the non-official members of the Provincial Councils, and it has been contended—and very justly—that the qualification required both for electors and candidates is very low. I am disposed to think that the present qualification is but a necessary consequence of making the Local Self-Government popular among all classes of the people. Having regard to the fact that under the new reforms the Councils will be considerably expanded and the franchise necessarily widened and extended, I am not for disturbing the existing qualification for voters, which it is essential should remain as it is if the new scheme should provide for the widest possible representation of all classes and creeds. I would, however, have no objection to the raising of the qualification for the candidates, which under the present system is identical with that of the voters. I am glad that the spirit of the suggestion of the Government of India is at one with this. The existing method of election for the Municipalities, District and Local Boards, has, however, as I have observed at the outset, and as it is admitted in the scheme under review, resulted in "crowding out" important communities from having any voice whatever in the direction and control of affairs in which they have equal and not unoften greater stake than those who, for reasons not necessary to dwell upon here, have managed to monopolise the entire voting power.

The proposal in paragraph 22 is to my mind a very sound and fair one, and I beg to signify my thorough approval of the suggestions embodied therein regarding the reconstitution of the Provincial Councils and Boards.

I would here take the liberty to observe that at present the members of the Municipalities are more frequently than not of almost entirely of one community. The remaining population, for obvious reasons, is mainly Hindu; and the Muhammadan electors within municipal jurisdiction would of necessity be always in comparison with others inconsiderable. Even the possibility of an official majority is rare, if not *nil*. I would therefore, suggest that, as in the District Boards, half instead of one-third of the members be appointed by Government nomination. I cannot conclude my remarks without once again laying stress on the all-importance of the representation in the Municipalities and Boards being according to the scale of the population of each class and creed. Particular and pointed attention was drawn to this subject by the All-India Muhammadan Deputation to His Excellency the Viceroy paragraph 11 of their memorial. The Municipalities and Boards would of necessity form the hinge on which the scucess of the extended and enlarged franchise would depend. The superstructure of the whole of the new reforms regarding the Imperial and Provincial Council would, indeed, depend, in a very great measure, on the constitution of the Municipalities and District and Local Boards. I am, therefore, of opinion that, far and away the most useful of the reforms would be accomplished if the representation on the Municipalities and District Boards is effected, as the scheme very properly suggests, on "the principle of assigning a fixed proportion of steats to each of the leading classes into which the population is divided by race, caste or religion and permitting the members of that class to select its own representative."

FROM

THE HON'BLE KHWAJA MUHAMMAD ASGHAR,

MEMBER OF THE LEGISLATIVE COUNCIL OF EASTERN BENGAL AND ASSAM,

To

THE HON'BLE MR. H. LEMESURIER, C.I.E., I.C.S.,

OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dacca, the 1st November 1907.

SIR,

In reply to your letter No. 11515C,, dated the 10th October 1907, I have the honour to submit herewith an expression of my humble opinion on the formation of Advisory Councils, the enlargement of Legislative Councils, and the procedure to be adopted in discussing the budget estimates,

I have the honour to be,

SIR,

Your most obedient Servant,

KHWAJA MUHAMMAD ASGHAR,

Member of the Legislative Council of Estern Bengal and Assam.

The formation of Advisory Councils.

1. It is perfectly true that in many instances of Legislative enactment is is difficult for the Government of India or for Provincial Governments to make their motives generally known to the people. This misconception gives rise to many erroneous and mischievous statements, and many a time motives are ascribed to Government which would be found to be entirely false or baseless, if the people could get an opportunity of their motives being explained to them by a third party. To remedy this evil, *i.e.*, the misconception or misunderstanding arising between the rulers and the ruled, a better means could not have been devised than the formation of Imperial and Provincial Advisory Councils.

The formation of the Provincial Advisory Councils might be carried out on the same lines and on the same principle as the Imperial Advisory Council, the principal object being to avoid misconception or misunderstanding between the rulers and the ruled.

The enlargement of Legislative Councils.

2. The enlargement of the Legislative Councils as outlined and foreshadowed in the Government Resolution will certainly give fuller and more substantive representation to all the important classes and communities of His Majesty's subjects in the Indian Empire. The interests of the landholders and of monied men will also be particularly attended to. Such a representation will certainly give Government a better knowledge of the requirements and aspirations of the people of this country and will, therefore, enable them to frame Laws and Regulations more in accordance with the conditions and local circumstances of each province.

The Budget discussion.

3. The present mode of the budget discussion, both in the Imperial and Provincial Councils, is defective. The proposal of the Government, as outlined in the Resolution, that, in the first instance, the budget should be discussed by separate heads or groups of heads, " which would be explained severally by the member in administrative charge," is decidedly a great improvement on the mode prevailing at present. The above procedure will enable each member to understand the estimates better and to discuss on each item with greater precision and knowledge.

No. 10487.

FROM

THE HON'BLE MR. V. WOODS,

AGENT, ASSAM-BENGAL RAILWAY,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF

EASTERN BENGAL AND ASSAM.

Dated Chittagong, the 9th December 1907.

SIR,

IN reply to your letter No. 11514C., dated the 10th October 1907, inviting an opinion on the proposals contained in letter No. 2310-2317, from the Officiating Secretary to the Government of India, I have the honour to offer the following few remarks.

2. With the general principle of forming Advisory Councils for the discussion of Indian affairs and measures, I am entirely in accord, but I have some doubt as to the suitability of the Imperial Advisory Council, as proposed.

3. It appears to me that the Provincial Advisory Councils properly formed will constitute convenient groups for the obtaining and transmission of the views of all classes and interests to be collectively weighed by the Imperial Government, and that any extension of the advisory principle should rather be in the downward direction, that is, for the assistance of Commissioners of districts.

Imperial Advisory Councils.

4. The object of this Council is explained as the desire "to in some degree associate the great ruling Chiefs and the territorial magnates of British India with the Governor General in the guardianship of common and Imperial interests," and with this object I agree. But it appears to me that the proposals extend beyond this to an attempt to make the Advisory Council representative of all classes and interests in India.

5. For this full purpose, I consider the number proposed too small, while an increase in the total number would tend to make the Council unwieldy in size and impossible for collective consultative purposes.

6. Again, it is suggested that Imperial Advisory Councils shall consist largely of members who are to "form the nucleus" of the Provincial Councils, but I see little advantage in consulting twice over such members; the second time in conjunction with the ruling Chiefs, and a number (necessarily limited) of members who would probably be far less in touch with the wants and interests of the community than the remaining members of Provincial Councils.

7. For these reasons I should prefer to see the Imperial Advisory Council, while "maintaining sufficient size and weight to represent the views of the hereditary leaders of the people," composed only of those leaders whom the Governor General may consider by their standing and status to have the right to be taken into the full confidence of the Imperial Government for consultation in framing legislative measures in accordance with and guided by the views and feelings gathered from the more fully representative Provincial Advisory Councils.

8. The occasions—probably not frequent—on which the full Council is called together for collective debate might I think be public.

Provincial Advisory Councils.

9. It is laid down as essential that in the formation of these Councils, all classes, including smaller landholders, industry, commerce, capital and the professional classes

should be represented, and in this, I fully agree. To ensure such complete representation without making the size unwieldy, I think, not less than 20 members would be requisite at first, and these might be apportioned somewhat as follows:—

Territorial magnates	
Zamindars and landed proprieters, of which a portion should be Muhammadans in proportion to the numbers in tbs province	6
Chamber of Commerce	0
Special Industries and trade	3
Railways	8
Professional classes	2
Port Trust or other corporate bodies, large Municipalities, etc	3
Influential Muhammadans or other races entitled to special representation in the province	2
Total	20

The conditions in various provinces must however necessarily vary and a considerably larger number of representatives might be desirable in some of them, with some additions as found desirable in all.

Enlargement of Legislative Council.

10. Any increase in the numbers of un-official members on the Imperial Legislative Council, already very large, has the disadvantage that in order to maintain the Government majority there must be a corresponding increase of official members. Nevertheless, it appears to me that in the composition of the Legislative Council proposed, commercial and industrial interests are quite inadequately provided for. The representation of the Chambers of Commerce of two large ports by no means guarantees the proper representation of the local views held as regards great industries which are of the highest importance to the prosperity and revenues of the country and those interest, I consider, should be more specially, and for each province, provided for.

Enlargement of Provincial Legislative Councils.

11. In these also some enlargement seems advisable to provide for the fuller representation of local trades and industries of high importance to the province. As regards the undue proportion of professional representatives of the Pleader class elected by Local Boards or Municipalities (often of unimportant standing or position) it appears to me that without seriously curtailing the elective principle, this might be met by raising the standard to ensure that elected members shall in addition to their professional qualifications be men of substance and property, having some real interests and stake in the country.

Discussion of the Budgets.

12. On this point I have no remarks to make, except that the confinement of discussions to certain definite heads at one time seems a step in the right direction to facilitate business.

I have the honour to be,

SIR,

Your most obedient Servant,

V. WOODS,

Agent, Assam Bengal Railway.

No. 21.

FROM

THE HON'BLE MR. W. TEUNON, I. C. S.,
OFFG. LEGAL REMEMBRANCER, EASTERN BENGAL AND ASSAM,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dacca, the 3rd January 1908.

SIR,

With reference to your letter No. 11506C, dated the 10th October 1907, regarding the points raised in the Government of India's No. 2310-2317 of the 24th August 1907, I have the honour to say that I propose to take the several matters dealt with in that letter practically in inverse order and to submit my opinion as follows.

2. In order to the sufficient representation of all classes and interests it is not in my opinion necessary or expedient that the Provincial Legislative Council should be enlarged to the extent that seems to be indicated in the Government of India's letter. Moreover the exigencies of administration and the necessity of maintaining an official majority makes a certain limitation of numbers imperative.

In the larger province of Bengal the maximum strength of the Council is at present fixed at 20, or, including His Honour the Lieutenant-Governor, at 21. I am of opinion that to this extent the Council of this Province might usefully be enlarged, and that of the 20 Councillors, on the accepted principle 10 should be officials.

3. Presumably the 10 official members would ordinarily be—

(1) the 2 Members of the Board of Revenue,

(2) the 4 Secretaries to Government,

(3) the Legal Remembrancer,

(4) 3 experts, *e. g.*, the Commissioners of the Divisions or the Heads of the Departments more immediately affected by contemplated legislation, or when judicial experience is desirable, a senior District Judge.

4. The 10 non-official members might then be composed as follows :—

(*a*) elected members, *viz.*,—

a representative	of the Tea Industry	1
,,	of the Jute Industry	1
,,	of the Commercial interests of Chittagong .	1
,,	of the Municipalities	1
,,	of the District Boards	1
,,	of the land-owners	1
,,	of the Muhammadans	1

(*b*) Non-officials nominated by His Honour the Lieutenant-Governor as experts or to represent minorities or special interests, or the Divisions more immediately affected by contemplated legislation 3

In the case of the elected members, the privilege of nomination may be exercised practically as now with the exception that the Tea and Jute industries, the Eastern Bengal Landholders' Association, and the Provincial Muhammadan Association would each have continuous representation. In the case of Muhammadans, doubtless an electorate on the lines indicated in paragraph 17 of the Government of India's

letter could be formed, and for the purpose of election or nomination the several Commissioners' Divisions might be grouped in accordance with the ascertained number of electors. But every Muhammadan who takes a sufficiently active and intelligent interest in public affairs and is sufficiently well known to command the votes of his community should be a member of the Provincial Muhammadan Association, and the result arrived at by this comparatively simple method should be equally satisfactory.

5. No doubt, in making its nominations to Municipal and Local Boards Government even now seeks to secure an adequate representation of all classes, but the existing law, Bengal Act, III of 1884 (*vide* section15), and the Bengal Local Self-Government Act, 1885, *vide* sections 7, 13 and 138 (*a*), does not appear to provide for introduction of this principle of class or occupational group representation into the system of election. Moreover, with the constitution of the Council as I have suggested it, I do not think it necessary to introduce this system or any special qualification for election to Council, and I should strongly deprecate anything that might tend to strengthen the system of caste.

6. Of the 3 nominated non-officials, one in my opinion might fittingly be taken from the tenant (not necessarily the cultivating) class as opposed to the landowner or zamindar class. In paragraph 4 (*b*) I have sufficiently indicated what other considerations should influence selection. In some cases it might be possible to arrange that the selection should be preceded by some process of nomination.

7. It is no doubt highly desirable that the discussion of the budget should be of a more fruitful and practical character. It is possible that the proposals made in paragraph 23 might effect this end, but it is for consideration whether the proposed preliminary discussion should not be in a number of select committees.

8. Turning now to the Imperial Legislative Council, I should say that I am strongly of opinion that the proposed enlargement of the Council is unnecessary, and will but protract debate and discussion with no corresponding beneficial results.

With the strength of the Council fixed at 31 (*i.e.*, including the Viceroy, 32) it should be possible, I am of opinion, to secure a due representation of the several classes, races and territorial divisions, and in that view the Council, I may suggest, may be constituted as follows:—

A. *Ex-officio* members.	8
B. Official members, to be nominated, one from each of the 7 great provinces and one from the Central Provinces or from the North-West Frontier Provinces as at the time may seem expedient ...	8
C. Elected members—	
(*a*) By the Chambers of Commerce of Calcutta and Bombay	2
(*b*) By the Chambers of Commerce— (1) Karachi and Cawnpur; (2) Rangoon, Madras and Chittagong } alternately ...	1
(*c* By the non-official members of the 7 Provincial Councils	7
(*d*) Non-officials nominated by the Viceroy as experts, or to represent minorities and special interests	5

9. The representatives of the Provincial Council will generally be found to be representatives of the great nobles and landowners. This class is always in a position to make itself heard, and their further representation is, in my opinion, neither necessary nor very desirable. In this same connection I may point out that hitherto the interests of the tenant as opposed to the zaminder class have been voiced in the Imperial and Provincial Councils practically only by the officials, and it is desirable that of the five nominated non-official members at least one, and at times two should be selected as representatives of the vast body of tenantry.

10. Of the remaining nominated members under this scheme two would generally doubtless be Muhammadans, and others would be selected with reference to the legislative business to be brought before Council. In some cases it would doubtless be possible to act on nominations or recommendations made by those interested in the

industry in question, for instance, if the registration in contemplation affected the tea industry the several Tea Association might be requested to recommend to the Viceroy one of their members as their representative in Council.

11. Should it be decided that on the Council as enlarged there should sit special representatives of the landowners and also Muhammadan members elected by Muhammadans, then, having regard to the special circumstances of Eastern Bengal and Assam, I should suggest that the representative landowner from this Province should be nominated on the recommendation of His Honour the Lieutenant-Governor, and that the representative Muhammadan when taken from this Province should be the member of the Provincial Council nominated by the Provincial Muhammadan Association.

12. I am not of opinion that a Ruling Chief should be called in to assist in legislation for British India.

13. I do not view with favour the proposed formation of Imperial and Provincial Advisory Councils. Such Councils would tend to overshadow the Legislative Councils. Individuals qualified to sit on either are now in practice consulted and should collective deliberation be found necessary or desirable, conferences may be held with the members of the Legislative Councils when those Councils are called together for legislative business.

I have the honour to be,

SIR,

Your most obedient Servant,

W. TEUNON,

Legal Remembrancer, Bengal and Assam.

No. 5999-D.

FROM

THE HON'BLE MR. W. T. CATHCART,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Dated Amrailcherra Tea Estate, the 20th November 1907.

SIR,

I HAVE the honour to acknowledge receipt of your letter No. 11513C., of the 10th ultimo, enclosing a copy of the communication No. 2316 (Public), dated the 24th August 1907, from the Government of India, Home Department, on the subject of the formation of an Imperial Advisory Council, the formation of a Provincial Advisory Council, the enlargement of the Imperial and Provincial Legislative Councils and the procedure to be adopted in discussing the Imperial and Provincial budgets, and also requesting an expression of my opinion on the points raised therein.

2. In reply I have the honour to submit the following opinions :—

Imperial Advisory Council—	I am of opinion that the proposal to create an Imperial Advisory Council, on the lines suggested in the speech quoted as addressed by His Excellency the Viceroy to the Legislative Council on the 27th March last, is in the best interests of the country.
As regards the proposed lines for the above suggested by the Government of India, Nos. (1), (2), (4), (5), (6), (7).	Appear in every way desirable.
No. (3). That the Council should consist of about 60 Members for the whole of India, including about 20 Ruling Chiefs and a suitable number of territorial magnates of every province, where landholders of sufficient dignity and status are to be found.	Does not make the composition of the Council clear and I trust that it is intended to grant a substantial representation to non-official Europeans, representing the great industries of the country, and in this connection the Tea Industry of Eastern Bengal and Assam has an especial claim to consideration both as being a very great landholder and as being the chief cause of the property of a great part of the province. There are also few large landholders of long standing in Eastern Bengal and Assam. So it appears especially suitable that the Tea Industry should be allowed a representation in the Agricultural interest.

Provincial Advisory Councils.

The suggestions for them are practically on the same lines as those for the Imperial Council, and so the same remarks will apply.

Suggestions for the enlargement of the Imperial Legislative Council.

Paragraph No. 12 ...	As in the case of the Imperial Advisory Council, the actual composition of the Imperial Legislative Council is not clear and what proportion of representation it is intended to grant to non-official Europeans, representing the great industries of the country, and I trust the great stake which they have throughout India will receive recognition. As representing the greatest industry and a very large agricultural and landholders' interest in Eastern Bengal and Assam, the Tea Industry has a great claim to a share of that province's representation on the Imperial Legislative Council.
Paragraph No. 14 ...	This suggestion will certainly be beneficial, but in a Province like Eastern Bengal and Assam, it will be difficult to obtain a sufficient electorate, if the qualification be retained at so high a figure as Rs. 10,000 of yearly land revenue, and for this province it might be advisable to reduce this figure to Rs. 5,000 yearly land revenue.

Paragraph No. 15 ...	It would be practically impossible to mass together the entire body of landholders in a province for the purpose of voting, and the result would certainly be that a few wire-pullers would exercise the entire control. The alternative solution that the representation of the landholders to the Imperial Council should be elected by the landholding members of the Provincial Council, is in every way better and is likely to work satisfactorily.
Paragraphs Nos. 16, 17, 18 ...	I fully concur with the remarks in No. 16, but consider that in place of the suggestion for election contained in No. 17 that it would be more advisable to grant the power of election to the Anjumans of the various districts, as being more workable in practice and also likely to secure the service of Indian gentlemen of position who would be unwilling to canvas or even offer themselves as candidates at a general election.

Provincial Legislative Councils.

Nos. 20, 21, 22 ...	It would, I consider, be advisable not to leave the election of any members of the Provincial Legislative Council in Eastern Bengal and Assam to the District Boards; in other provinces it may be desirable, but in this it would mean the importing of party-feeling into the working of the District Boards, which would be highly prejudicial to their usefulness. In this province it would, I think, be advisable, after the Local Government has allotted the number of seats to be held by each class, to allow the representative to be elected by— (1) Landholders—If Hindu, by the Landholders' Association; if Muhammadan, by the Anjuman. (2) Industries—By their representative Associations. (3) All other classes—By direct voting by those in possession of the required qualification.

Discussion of the Budget.

This proposal, although perhaps of no great practical value, certainly removes what appears to be considered as somewhat of a grievance by a section of the non-official members of the Councils.

I have the honour to be,

SIR,

Your most obedient servant,

W. T. CATHCART.

No. 280.

FROM

BABU JOGINDRA CHANDRA CHAKRAVARTI, M.A., B.L.,

VICE-CHAIRMAN, MUNICIPALITY, DINAJPUR,

To

THE OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN-BENGAL AND ASSAM.

Dinajpur, the 4th February 1908.

SIR,

WITH reference to your No. 11530C, dated the 10th October last, on the subject of the formation of Advisory Councils and the enlargement of the Legislative Councils, I have the honour most respectfully to state that, as the communication was received during the absence of the Chairman and myself on leave, there was some delay in circulating the correspondence amongst the Commissioners of this Municipality, and it is in consequence of this that I was not able to submit the views of the Municipal Commissioners on the subject in due time, for which I beg to express my deep regret. As however, the subject is of great importance, I beg to submit the opinions of the majority of the Municipal Commissioners of this place, although I am late in doing so.

Imperial and Provincial Advisory Councils.

The Municipal Commissioners consider that these Councils to be of real practical use ought to be so constituted that they may command the confidence of the public, and their function ought to be of such a nature that the members sitting on these Councils may feel that they have a real and substantial voice in all matters concerning the welfare of the people. If the members feel that the advice given by them is not followed by the Government, it is hardly likely that persons of real talents and ability will care to sit in these Councils. In the humble opinion of the Municipal Commissioners, therefore, the most important fact to be kept in view with regard to these Councils is that the members should know that the advice given by them will be given effect to in case such advice happens to be that of an absolute majority of the Councillors.

With regard to the formation of these Councils, the Municipal Commissioners would submit that they do not consider it justifiable that the Imperial Councillors should consist entirely of the territorial magnates of the various provinces. While admitting that the Ruling Chiefs and the great body of landholders of the country of sufficient dignity and status are the hereditary leaders of the people in a certain sense, the Commissioners would venture to suggest that in order that the Government might know the views and opinions of the middle classes and the vast mass of the population of the country, the Councils constituted to give advice to the Government ought by all means, to include such men as are considered to be the leaders of public opinion in the country. The question of "Indian unrest" is often discussed in the House of Commons and reference to the same is often found in the speeches of the Hon'ble the Secretary of State for India as well as His Excellency the Viceroy. The Municipal Commissioners humbly think that the question can hardly be solved if the Government is not prepared to take inio its confidence persons who represent the popular views on all important matters affecting the welfare of the country, and who do really exercise a great influence in moulding the views of the people on all public questions. His Excellency the Viceroy in his speech on the occasion of the passing of the Seditious Meetings Act referred to the new spirit which is manifesting itself in the country, and inasmuch as this new spirit is a factor which cannot be ignored, the Municipal Commissioners would submit that the object which the Government of India has in view in making the proposal of the formation of Advisory

Councils can be scarcely attained unless the exponents of this new spirit are considered fit to advise the Government on all important measures of administration. With regard to the deliberations of the Advisory Councillors, the Municipal Commissioners would think that such deliberations, in order that they may elicit the free and independent opinion of the Councillors, should be presided over not by the head of the Government or some high official, but by one of their own number. One of the important points in connection with the formation of these Councils on which the Commissioners wish to express their views is that the Councillors should be selected partly by nomination and partly by election, and they should be allowed to express their views on all matters of public importance whether their opinions are asked for by the Government or not.

Enlargement of Ligislative Councils.

With due deference to the views of the Government of India, the Commissioners strongly object to the principle of election based upon race, caste, or religion that is sought to be introduced both in the elections to the Provincial Councils as well as in those of the Municipalities and District and Local Boards. While fully admitting the necessity of securing an adequate representation of the various interests in the country, they would respectfully submit that an attempt to secure such representation on the basis of race, caste, or religion is likely to lead to unnecessary frictions and misunderstandings between the various races, castes, and religions. Past experience shows that persons who have been elected to serve as Municipal Commissioners or as members of the Boards or as Legislative Councillors have been so elected, not in consideration of their being members of any particular race or caste or of their following any particular religious belief, but entirely in consideration of their fitness to represent the people, no matter what their caste or creed may be. It is a matter of ordinary experience that under the system of election hitherto in force, Muhamadans have been returned by Hindus and Hindus by Muhamadans without any distinction, whenever the candidates have been considered fit by virtue of their education, culture, and ability. The Municipal Commissioners, therefore, are inclined to think that any change in the principle of election in the manner suggested would lead to undesirable dissensions amongst the various sections of the community. The different interests in the country can, however, be represented, without making race, caste, or religion as the basis of the representation.

As regards the prominence of the legal profession in the provincial Councils, to which the Government of India have referred, the Commissioners beg leave to submit that gentlemen who have had seats in those Councils have generally been persons who, in addition to their being members of the legal profession, have had substantial interest in the country as landholders. In the humble opinion of the Municipal Commissioners, therefore, the interests of the landholders do not appear to have been in any way prejudiced by the prominence of the legal profssion in the Councils. The Municipal Commissioners do not object to the adequate representation of the landed interests in the Councils, but they venture to urge that considerations of money should by no means preponderate over considerations of fitness in other respects as education, general culture, and independence.

As regards election by electoral groups on the basis of the four classes specified in the Resolution, the Commissioners would respectfully, submit that the necessity of asking electors to elect from among their own groups does not seem to be required. On the contrary, having regard to the present condition of education amongst the cultivators, artisans, and traders generally, it would be more convenient and beneficial to these classes if no such restrictions like the above were put upon their freedom of choice.

With regard to the proposal of reserving a certain number of seats exclusively for Muhammadans, there is hardly anything to be submitted, as the Government of India appear to have determined that that course should be adopted in order to secure adequate representation to the Muhammadans, and in the opinion of the Municipal Commissioners, any representation based upon caste or religion is likely to foster racial animosities.

The Municipal Commissioners beg further to add that they object to the proposal of reserving a certain number of non-official seats in the Councils to be filled up by nomination. The non-official seats ought to be filled up entirely by election and no portion of them ought to be filled up by nomination.

Discussion of the Budget in the Legislative Council.

With great respect for the views expressed in the Resolution on this subject, the Municipal Commissioners venture to submit that they are not convinced that the discussions on the budget heads are likely in any way to be of any substantial gain to the people. They are disposed to think that, unless the non-official members of the Councils are allowed to have their votes on the numerous budget heads, and unless some system is introduced by which the people may feel that they have some control over the finances of the country, any changes in the form the budget discussions may take in the Councils are not likely to command the approval of the people of the country.

I have the honour to be,

SIR,

Your most obedient Servant,

JOGINDRA CHANDRA CHAKRAVARTI,

Vice-Chairman of the Dinajpur Municipality.

No. 190—1908.

FROM

THE SECRETARY, BENGAL CHAMBER OF COMMERCE,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Calcutta, the 12th February 1908.

SIR,

THE Committee of the Bengal Chamber of Commerce have been favoured with a copy of communication* made to you by the Indian Tea Association with reference to the proposals for the formation of Advisory Councils and the enlargement of the existing Legislative Councils.

*Letter No. 26—0, dated the 10th January 1908, from the Indian Tea Association to the Government of Eastern Bengal and Assam.

2. The views of this Chamber upon the proposals generally have been already submitted to the Government of Bengal, and it is not, therefore, necessary to repeat them here. So far as regards the Provincial Councils, they have reference to Bengal only. But as Indian tea proprietors are largely interested in the Eastern Bengal Councils, the constitution of those bodies has naturally engaged the attention of the Indian Tea Association. The suggestions which the Association has made in this connection are that on both the Provincial Advisory Council and on the Provincial Legislative Council, the industry should have two representatives—one for Calcutta, and one for the producing districts.

3. These proposals meet with the approval of the Committee of the Chamber, who, in commending them to the attention of His Honour the Lieutenant-Governor, venture to express a hope that they will be favourably considered. The importance of the tea industry to the new province can hardly be over-estimated, and the need for its proper representation is, therefore, apparent. But as is shown by the Association, it is not the producing districts only which require to be represented. The industry is controlled so largely from Calcutta as to make it particularly necessary that the tea agency houses here should have the previlege of appointing one member to each of the two Councils. This aspect of the question will not, the Committee feel sure, be overlooked by Government when determining the constitution of the Councils.

4. A copy of the Committee's letter to the Government of Bengal on the proposals generally is attached hereto for information.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. HAYWOOD,

Secretary, Bengal Chamber of Commerce.

No. 27—1908.

FROM

THE SECRETARY, BENGAL CHAMBER OF COMMERCE,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL,
APPOINTMENT DEPARTMENT.

Calcutta, the 11th January 1908.

SIR,

I AM directed to acknowledge the receipt of your letter No. 1982A.D., dated the 18th September 1907, in which you ask for the views, of the Bengal Chamber of Commerce upon the proposals which have been recently made by the Government of India for the formation of Advisory Councils and the enlargement of the existing Legislative Councils.

Letter No. 2310-17, dated the 24th August 1907, from the Government of India, Home Department, to the Local Governments and Adminstrations.

2. Before proceeding to consider these proposals in detail, the Committee of the Chamber wish to record their sense of satisfaction at the step which has thus been taken by the Government. For years past they have been impressed with the need which exists for bringing all classes of the people into closer relationship with Government and its officers, and any measures designed to achieve this end are bound to be supported by the commercial community. The legisiation of 1892 undoutedly marked a great advance. The free discussion of the annual financial proposals of the Government, which was then permitted for the first time, was in itself an inovation of no small consequence. And the enlargement of the Councils, the introduction of the elective principal, and the other changes which were also then made have rendered possible the further scheme of reform which is now under discussion.

General.

3. But while the Committee thus welcome the measure as evidencing the desire of the Government of India to move forward in the path of constitutional reform, they do not hesitate to criticise certain of its principal details. They offer their criticism the more freely, because they observe that the scheme is, in its main features, entirely provisional and suggestive. It is not their wish to enter into political questions, nor do they propose to offer any opinion as to what classes of the Indian population should be represented, or upon what principle the representatives should be elected or nominated. They are concerned more particularly whih the position to be accorded to the commercial community in the Councils; and they say at once that they consider the proposals to be in this respect altogether inadequate. As the scheme stands at present, the commercial element is to be entirely excluded from the Imperial Advisory Council. With regard to the Provincial Advisory Councils, it is stated in the letter from the Government of India that "the association of non-official Europeans standing for these important interests (industry, commerce, capital, etc.), with the natural leaders of Indian society in common consultation on matters of public importance, would tend to promote a better understanding and to clear away on both sides injurious prejudices and misconception." This somewhat indefinite statement is the only reference to the point so far as these Councils are concerned, and it gives no idea of the extent to which the interests in question will be represented. Coming next to the Imperial Legislative Council, the Committee find that, of the fifty-four members, two only are presumably to be non-official Europeans, although it is possible that one more may be nominated by His Excellency the Viceroy. The representation of the community on the Provincial Legislative Councils is not defined, but in paragraph 11 of the letter it is mentioned.

Representation of Commerce.

4. The Committee of the Chamber are not unmindful of the fact that, in framing their proposals, the Government of India had, of course, to consider the country as a whole. But even so, they cannot help feeling that the interests for which the non-official Europeans stand have been to a large extent overlooked. The fact that these interests vary in size

Extent of commercial interest.

and importance in the different provinces no doubt contributes to the difficulty of providing for their adequate representation. For, while in some parts of the country they are of small extent, in others, and notably in North-East India, they are of great magnitude. In Eastern Bengal and Assam they are concerned chiefly with planting; but in Bengal proper both manufacturing, industrial, and mining enterprises have made remarkable progress under European direction. The value of the jute manufactured goods exported from Calcutta amounted to more than Rs. 15½ crores in 1906-1907; while upwards of 8 million tons of coal were raised from the Bengal mines. The general commercial interests of the province are also of far greater consequence than those of any other province, and they are rapidly expanding. How rapid the expansion has been is shown by the fact that during the last fifteen years the shipping entered at the port of Calcutta has increased from rather more than 2½ million tons to close upon 6¼ million tons yearly. And at the present time Calcutta is responsible for about 42 per cent. of the total value of the import and export trade of India. For while the trade of the whole country (excluding treasure) aggregated Rs. 284 crores during the last official year, that of Calcutta amounted to Rs. 120 crores. It is an admitted fact that the bulk of this trade may be correctly termed European; and the figures lend much support to the claim that those who are so largely concerned with the commerce and industry of the province are entitled to adequate representation in both the Imperial and Provincial Advisory and Legislative Councils.

Imperial Advisory Council.

5. The existence of the official majority makes the provision of an adequate representation of European interests on the Legislative Councils a matter of difficulty. But this difficulty will not be experienced in the case of Advisory Councils; for as they are to be consultative bodies only, the question of an official majority will not arise. Upon the Advisory Councils, therefore, the European element may expect to be fully represented; and the Committee of the Chamber would venture respectfully to express a hope that the Government of India, in considering their scheme, will be able to provide for this. The function and duties of the Imperial Advosory Council are not defined in detail in the papers, but agricultural, commercial, and industrial questions can hardly be excluded from its discussions. If this assumption be correct, it will not be unreasonable for the Committee to suggest that two seats on this Council should be allotted to Europeans. One of these might be given to a nominee of those of the community who are engaged in commerce and industry in the great towns; and the other to a nominee of the planting and zamindari interest in the mofussil.

Provincial Advisory Councils.

6. Coming next to the Provincial Advisory Councils, the Committee restrict their suggestions to the Council for Bengal, in which there should be, they consider, not fewer than seven European members. The general commercial, industrial, and shipping interests of the province are, as has been already shown, of quite sufficient consequence to be given one seat; and the mining, tea, and jute industries may justly claim to be entitled to separate representation. The European zamindari and planting interests of the province should also not be overlooked, and in that behalf, the Behar Planters' Association might be permitted to nominate one representative, while a second could be chosen from the lower parts of the province. The growing importance of the interests centred in the Calcutta Trades' Association should likewise be borne in mind; and the Committee suggest that that body should be permitted to nominate a member.

Imperial Legislative Council.

7. The Committee now turn to the other and, as they think, equally important branch of the present proposals, namely, the enlargement of the Imperial and Provincial Legislative Councils. Dealing first with the Imperial Council, they notice that the scheme outlined in paragraph 12 of the letter is tentative only. They are glad that this so, because they do not hesitate to say that in their opinion mercantile interests would be most inadequately represented in a Council constituted on the lines suggested. They recognise and admit the limitations which are imposed upon the Government by their determination to maintain an official majority. But a full examination of the whole scheme raises the question whether this principle is not being carried somewhat beyond what is absolutely necessary. The Committee are inclined to think that it is, but they do not seek to emphasise this opinion on the present occasion; for the object which they have in view can be attained without any real encroachment being made on the official majority.

8. The scheme defined in the Government letter provides for a Council of fifty-four members, including His Excellency the Viceroy. Excluding His Excellency,

twenty-eight of these members are to be officials, and twenty-five are to be non-officials. Of the official members, eight will be the members of the Executive Council, and the remaining twenty are to be appointed for the purpose of maintaining the official majority. The proposal which the Committee of the Chamber venture to make is that, of the non-official members, the two experts who may be nominated when necessary by His Excellency for special purposes should either not be permitted to vote at all, or should vote only under such restrictions as may, in the opinion of Government, be advisable. If this were done, it would be possible to limit the number of additional officials to eighteen, and to increase the number of non-official Europeans by two. The Council would then consist of twenty-seven official members, including His Excellency, and of the same number of non-official members. But as two of the latter would only be appointed for short periods in special circumstances, and would only vote, if they voted at all, under restrictions, there would still remain a permanent official majority of two members.

9. It may be urged that the Indian representation might be curtailed to such an extent as to permit of the appointment of two additional European non-officials. But the Committee of the Chamber do not support this view, firstly, because they recognise the importance of an adequate representation of Indian interests, and, secondly, because as they understand the matter, the Government do not suggest that so many additional official members are necessary, except for the purpose of maintaining the majority. If the majority can be maintained, as the Committee think it can, with fewer officials, there would appear to be no objection to the adoption of their proposal. Should the Government be inclined to consider it favourably, they would recommend that the two additional non-officials should represent respectively the planting and the manufacturing industries of Northern India. The nominee of the planting interest might be selected alternately by the Indian Tea Association and by the Behar Planters Association. And as the principal manufactories under European management are situated in Bengal and the United Provinces, the Bengal Chamber of Commerce and the Upper India Chamber might be entrusted alternately with the selection of the representatives of this interest. In order that the European community of Southern India may be provided for, the Committee suggest that one of the four members who are to be nominated by His Excellency in behalf of minorities should always be a European non-official from the Madras Presidency.

Provincial Legislative Council.

10. The Provincial Legislative Councils still remain for consideration. The Committee are unacquainted with the views entertained by the Government of Bengal in regard to the composition of the Bengal Council. But they have observed that His Honour Sir John Hewett is of opinion that the Council for the United Provinces might consist of thirty-five or thirty-six members of whom about seventeen would be non-officials. Assuming that the Bengal Council would not be of smaller dimensions, the Committee would recommend that there should be at least five non-official European members. Two of these might be appointed by the Chamber of Commerce, one on behalf of the general commercial interest, and the second as representative of the jute and other manufacturing industries, while the third could be nominated by the Indian Tea Association. The Calcutta Trades' Association would of course continue to appoint a member; and the fifth seat could be filled by a representative—to be nominated by His Honour the Lieutenant-Governor—of the European zamindars and landholders of the province.

The budget.

11. Reference has been already made to the valuable change which was introduced fifteen years ago in regard to the budget. The further advance which is now proposed will be no less highly appreciated by all concerned in commerce and finance; but the Committee of the Chamber venture to think that it does not go quite far enough. It is stated in the letter that, although the remarks offered in the course of the discussion may perhaps occasionally result in the alteration of the budget under review, they will usually be borne in mind by the Government of India or the Local Governments, when making financial arrangements in subsequent years. But this is surely the principal defect of the existing system, and so long as it is maintained, the Committee question if the debate will be divested of the unreality which is admitted to be one of its characteristics at present. They hold the view that the budget should be submitted to the Council in the form of financial proposals, in regard to which the Government would be prepared to consider any criticism which might be offered. If this were done, and if the Government accepted and acted upon such of the suggestions as might meet with their approval, the debate would almost certainly become less discursive, and much more real and practical than it is now. For the speakers would be in

much closer relation with the policy and aims of Government than they can possibly be under a system whereby their ideas and proposals cannot ordinarily be considered until the financia l arrangements for subsequent years are being formulated.

I have the honour to be,

SIR,

Your most obedient Servant,

H. M. HAYWOOD,

Secretary, Bengal Chamber of Commerce.

No. 877J.

FROM

J. E. WEBSTER, ESQ., I.C.S.,

SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM, JUDICIAL DEPARTMENT,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM.

Shillong, the 15th February 1908.

SIR,

I HAVE the honour to submit my views on the Advisory Councils scheme, as desired in your telegram No. 886T. S., dated the 12th instant.

I was not aware that my opinion would be required and have, therefore, not been able to give the subject the detailed examination that it deserves, and the views expressed in this letter are in the main based on *a priori* considerations and on arguments gleaned from the public press. It seems convenient to treat the proposals in a more or less inverse order to that followed in Sir Harold Stuart's letter of the 24th August last.

2. The most important feature of the scheme appears to be the substitution of class for territorial representation. It has often been said that territorial representation and Government by majorities are ideas totally foreign to Indian sentiment, and that the persons who under existing systems secure election to local Councils and Boards are not the natural leaders or spokesmen of the people. Admitting the correctness of this generalisation, I doubt whether it is practicable to secure complete class representation on a Council of workable size, or whether there is any need to attempt to secure it. My impression is that in commercial negotiations and for the management of their estates, as in the law courts, landowners and merchants do not, or certainly used not to, show marked preference for persons of their own caste, class, or religion, but rather employ the most capable persons they can find, who in this province belong generally to the higer Hindu castes. I fancy that, on the whole, the persons who are elected to District boards and municipal committees are the most capable administrators available, and that all literate classes can obtain the representation of their interests through some member, and I would not advocate any material change in the present system of election. Government should of course continue to supplement by nomination the representation of classes crowded out by a predominant section of the people.

3. Turning from the general question to the particular question of the constitution of Provincial Legislative Councils, I venture to think that the same arguments apply. The Council primarily exists to assist the Lieutenant-Governor in framing laws and regulations. Theoretically every member is free to initiate legislation and to give his vote according to his personal opinion; practically legislation is initiated only by government, and on large questions of principle the majority of the councillors are bound to vote in accordance with the opinion of Government.

Before any Bill is introduced in Council, its principles have almost invariably been the subject of discussion and the opinions of leading members of the communities affected have already been laid before Government. The functions of the Council are therefore little more than advisory on all larger questions, and their effective powers are confined to points of form and detail, and to deal with these it is more important to have highly educated men capable of appreciating the real effect of a measure than to have Councillors who profess to represent all and every separate class of the people. Still I think a small extension of the council would in this province be useful in order to secure continuous representation to communities who at present return members only in rotation with others. I would add at least two to the number of elected councillors, so as to provide separate representation for the tea and jute industries, and for the landholders and Muhammadans. The members for these last two interests might be nominated by the Eastern Bengal Landholders' Association and by the Provincial Muhammadan Association respectively. To the 8 elected members the Lieutenant-Governor might add 3 more non-officials to represent minorities or special interests or local areas. The total number of non-official councillors would thus be 11, and it would be necessary to appoint 3 more official members. There is, no doubt, some waste of energy in this increase in the number of Councillors, but it would probability

not be necessary to insist on the regular attendance of all the official members except when a division is to be made on an important and contentious Bill. If the Council is to be enlarged beyond this limit, I should be inclined to give the President votes to the number of one-third of the total number of Councillors, rather than add to the list of official members.

4. It has been suggested that, in addition to the Legislative Councils, Provincial Governments should be furnished with a selected body of advisers chosen on a wider basis, who would be consulted on all matters of importance. It would be open to the Lieutenant-Governor to consult the members of this Advisory Council individually by letter, or collectively in a meeting. This proposal, I believe, is intended partly as a concession to the demand of the educated classes for a larger share in the Government of the country, but more particularly to bring the Government into closer communication with the large landowners and other natural leaders of the people, who are not professed politicians and will not stand for election. As a concession to the demand for a larger measure of Self-Government the scheme, I fear is doomed to failure; indeed, I doubt whether any reform of the Councils that does not provide for the abolition of the official majority would be acceptable. In so far as the purpose is to increase the facilities for obtaining the advice of the local leaders and information as to the views held by different classes, I think that the measure is unnecessary, and that there is some risk lest the formation of a second Council with a wider sphere of action lessen the popularity of the Legislative Council and thus impair the usefulness it now has. It is of course desirable that the opinions of all classes should be obtained on measures that affect them; but this can be, and is, done both by enquiry through District Officers, and also by directly consulting those persons or bodies who, in the opinion of Government, are likely to give valuable advice or to represent correctly the views of large masses. For this purpose no Council need be formed, and the existence of a Council would probably rather fetter than aid the Government, as sometimes it would be incumbent on the Lieutenant-Governor to consult all his Councillors on matters affecting only a section of the communlty, and at other times persons not on the Council might be better qualified to advise.

5. It is, however, said that the Governor General in Council attaches much value to collective expression of opinion. I would suggest that, in order to obtain such an expression of opinion, an informal meeting of Council should be summoned early in each session, say in the middle of December, and that some 15 or 20 non-officials representing different classes in thh province should be invited to attend, and that in this meeting a rough programme of the coming year's legislation and a forecast of all important reforms that Government proposes to introduce should be laid on the table—copies having of course been circulated previously—and that criticisms and suggestions should be invited. There would in December still be time for Government to modify its proposals for legislation or the coming year's budget in the light of the opinions then presented to it. Possibly at other times during the year conferences might be held for the discussion of important schemes, but generally I think it is preferable to obtain the expression of the views of the non-official cummunity through the association to which most of the articulate portion of the people belong, and through local officers.

For these reasons, though strongly impressed with the necessity for freely consulting all classes of the community through all channels available, and of taking the people into the confidence of Government more fully than is now the practice, I would not favour the creation of a Provincial Advisory Council.

6. I find it difficult to formulate an opinion on the proposals for the reform of the Imperial Council, but (1) there seems to be a stronger case for the formation of an Imperial Advisory Council, as the central Government has but few opportunities of direct communication with the public;

(2) if such a Council be formed, the proposals made in paragraph 5 of Sir Harold Stuart's letter would be suitable ;

(3) a Legislative Council of 54 would be unwieldy and very expensive ; and

(4) a Ruling Chief has *primâ facie*, no right to legislate for British subjects.

I have the honour to be,

SIR,

Your most obedient Servant,

J. E. WEBSTER,

Secretary to the Government of Eastern Bengal and Assam,

Judicial Department.

No. 2273J.

FROM

L. O. CLARKE, Esq., I.C.S.,

MAGISTRATE OF MYMENSINGH,

To

THE COMMISSIONER OF THE DACCA DIVISION.

Mymensingh, the 26th-27th November 1907.

SIR,

WITH reference to your memorandum No. 1346J., dated the 9th November 1907, asking for an expression of my opinion on the proposed Advisory Councils and the enlargement of the Provincial Councils, I have the honour to state as follows.

2. The proposals to give clearer definition and continuity to existing practice by the formation of Imperial and Provincial Advisory Councils seems to me an excellent thing and to require no further comments. I do not think there is any force in the suggestions that have been thrown out in some quarters that the Advisory Councils will consist only of landholders. Commerce and professions have many other ways of bringing their views to the notice of Government.

3. As regards the enlargement of the Legislative Councils, the argument has been advanced that to enlarge the Councils without increasing the power of the elected members will merely mean an increase in the number of speeches. Under the terms of the scheme some enlargement is unavoidable. but I think the number should be increased as little as possible.

4. As regards the Imperial Council the proper representation of the landed interest of the country as proposed seems most desirable. Ther eservation of 4 seats for Muhammadans is, if anything, too small, as it will perhaps be seldom that a Muhammadan will obtain one of the unreserved seats. As regards the method of selecting the landholding member, a provincial electorate consisting of zamindars who pay not less than Rs. 10,000 a year land revenue seems to be preferable to election by the landholding members of the Provincial Council. Nomination would probably be desirable in some cases. The Muhammadan member might be elected in the way suggested. I think a list of Muhammadans having an annual income of Rs. 25,000 could be found in this province without difficulty.

5. As regards the Provincial Councils, the chief innovation proposed is the representation of different classes of the population by members of each class elected by that class. I suggested yesterday to the District Board a rough outline for a scheme of this sort which has been partially embodied in the Board's resolution on the subject.

To begin at the bottom the population might be divided into 5 classes according to occupation, namely, zamindars, taluqdars, and small tenure-holders, professional men, traders, artisans, and cultivators. Elections for Local Boards would be held as at present at every thana, and there, each class would choose its electoral representative. The representatives of each thana in a subdivision would combine according to their classes to elect their several members for the Local Board.

There should be two members for each class—one a Hindu and one a Muhammadan, except perhaps in the case of the cultivators, both members of which should be Muhammadans.

This will give 10 elected members to each Local Board and there should be 5 nominated members, thus retaining the present proportion between nominated and elected members. The two members of each class in the several Local Boards of the district would combine to elect the class members for the District Board and in addition each Local Board would elect one member to represent its local interests.

The class members of the District Board would be members of the class they represent except in the case of cultivators, who might choose any representatives they wished, but they need not necessarily be members of the Local Board. There will

thus be 12 to 15 elected members on each District Board, and there should be the same number of nominated members. The present system of municipal elections might continue. For the Provincial Council members might be elected as follows:—

By the Commissioners of the port of Chittagong	... ...	1
„ Tea Association	... .	1
„ Jute merchants	... ...	1
„ Hindu zamindars paying land revenue over Rs. 10,000	... ...	1
„ Muhammadan „ „ „ „ „ 5,000	... ...	1
„ District Boards of Eastern Bengal (one Hindu, one Muhammadan)	...	2
„ Assam Boards...	... ...	1
„ Municipalities	... ...	1
„ Mercantile members of the District Boards...	... ...	1
„ Professional	... ...	1
„ Cultivating	... ...	1
Total	...	12

The number of nominated members would of course be also proportionately increased.

6. With regard to the proposed alteration in the method of discussing the budget, I am of opinion that it will be beneficial.

7. You have asked me (in your D. O. No. 6265 of 3rd November) to forward with this reply the opinions of certain gentlemen. Of these gentlemen so far only one Maulvi Muhammad Ismail has sent his answer, and I enclose a copy herewith. As you have asked for a reply by November 20th, I am not waiting for the replies from the other gentlemen. They will be forwarded as soon as received.

I have the honour to be,

SIR,

Your most obedient Servant,

L. O. CLARKE,

Magistrate of Mymensingh.

No. 137 J.

FROM

H. LEMESURIER, ESQ., C.I.E., I.C.S.,
COMMISSIONER OF THE DACCA DIVISION,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM.

Dacca, the 3rd February 1908.

SIR,

I HAVE the honour to submit the report called for in Government letter No. 11487-91C, dated the 9th October 1907, on the proposals of the Government of India for the formation of Imperial and Provincial Advisory Councils and for the enlargement of the Imperial and Local Legislative Councils. In so doing, I must express my regret for the delay which has taken place. Several of the reports now forwarded were not received by me until the end of last month, and the period since then has, as Government are aware, been one of exceptional stress. Attached to this report are copies of the opinions enumerated in the annexed list, which have been submitted on my requisition by various officers, associations, and private gentlemen in the province, and I have also been favoured with copies of the notes submitted direct to Government by those persons and bodies in the division whom it consulted direct. I have also had the honour of submitting my own opinion regarding the formation and functions of I the Councils to the Lieutenant-Governor while serving in another capacity, and propose in the present letter to confine myself to a brief examination of the suggestions which have since been made to me.

2. It is, I think, unnecessary to discuss at length those objections which imply a demand that the Government of India should substitute a form, more or less developed, of Parliamentary or Representative Government for the present system of adminstration; that a majority or even a moiety of the Councillors should be chosen by direct election, or that Government should expose itself to the risk of defeat by sanctioning the moving of amendments or additions to the Budget. All such proposals appear to me to be excluded by the terms of the reference which the Government of India have made, and in any case I should not recommend Government to consider so tremendous a leap forward as these propositions would involve except on much stronger grounds than the vague generalities on which those who support them have based their suggestions. I confine myself to such criticisms as, while accepting the principle of the proposed reforms, see something to alter or amend in the proposed methods, and it appears to me that even of these, many are based upon a misunderstanding of the Government of India's proposals. Thus, those proposals,—while providing that the proceedings of the Advisory Council should, as a rule, be private, informal, and confidential,—expressly contemplate public conferences, especially on occasions when Government desires to make its motives and intentions better known. Again, the compositiou of the Imperial Advisory Council, while including Ruling Chiefs and territorial magnates, does not exclude other classes, and there is no prohibilion to prevent any member from suggesting topics for the consideration of Government or for discussion in the next generel meeting which he may consider to require ventilation or specific action. More especially when we come to the fact dealt with under the Legislative Councils, of the excessive proportion of legal practitioners among the members elected to Legislative Councils under the present system, it is painfully evident that the Government of India's proposals have not been accorded even a fair consideration, and that the outcry against them is tainted by those vested interests which appear to be in danger.

3. The following suggestions appear to me to deserve consideration :—

1st.—That it should be made abundantly clear that other classes besides the two specifically mentioned are eligible for the Advisory Councils, and in particular that retired Judges of the High Court or members of the Civil Service, Vice-Chancellors of Universities, and prominent merchants or traders such as the Parsee millionaires of Bombay are also amongst those whose advice and assistance the Government of India is anxious to secure.

2nd.—There might, I think, be a distinct provision for members of the Council, whether Imperial or Provincial, to table subjects for discussion whether in a public or private meeting or by correspondence, whenever such subjects appear to them to require attention.

3rd.—There seems also to be considerable importance attached to distinctive titles and to the conferment upon the members of various honorary distinctions during their term of office.

The suggestion, however, that the Advisory Councils should appoint their own Chairman seems to me to be altogether unsound. They are intended as bodies to advise the Viceroy or Lieutenant-Governor, and not as debating societies to pass resolutions possibly designed to embarrass him.

4th.—With regard to the Imperial Legislative Council, the most practial objections I have seen are to the omission of any provision for the representation of such great industries as tea and jute on the one hand or of the Universities on the other. It is possible that provision for these is contemplated under heads E and F of the scheme sketched in paragraph 12 of the Government of India's letter. If not, I should be inclined to recommend that additional provision be made. Both these concessions would evidently be much valued, and the electorate in both cases would be important and deserving of special representation.

4. There can be no doubt that considerable opposition have been excited by the proposal to give special representation to Muhammadans. I think, however, the reasons for giving it are overwhelming. They need not be elaborated here, but the conspicuous satisfaction with which they have been received by the Muhammadan community throughout India sets upon them the seal of an absolutely necessary reform. It will, however, be difficult to meet the claims based on analogous grounds of some important communities such as the Sikhs and Buddhists, if not of the Indian Christians, and it is for this amongst other reasons that I am disposed to think that provision under heads E and F may have to be slightly increased. Subject to these remarks, the general composition of the Council as proposed by the Government of India appears to be accepted as suitable.

5. The next question is that of the electorate. There can be no doubt that the amount of land revenue paid by a zamindar in the province is not always a text of his importance or wealth. Some interesting instances on this point have been furnished to Government by the Hon'ble Rai Sita Nath Ray Bahadur. It is probable that the road cess returns give a better idea of the zamindar's wealth and property, but many of the chief Landholders have property in different districts and cannot therefore be assessed on the payments in a single area. Subject to these remarks there does not appear to be any difficulty in forming an electorate of the principal landholders of each province to elect representatives for the Imperial Council, but the limit of income qualifying for such electorate will vary from province to province and must, I think, be fixed for each so as to admit approximately the number of persons whom the Government of India may allot to the province as voters, having regard to its relative importance among the provinces of India. Somewhat similar remarks apply to the Mahammadan electorate, and in many districts of this province, notably in Bakarganj, a very much lower standard must be fixed for the franchise than the Government of India contemplate if the community in general is to express its voice. Until it is known how many electoral units are to be allotted to this province, it will, I fear, be impossible to fix the standard of the income qualifying the voters.

6. Coming to the Provincial Councils, I venture to recommend that the enlarged Council should consist of 30, of whom the official members should be two Members of the Board of Revenue, 4 Secretaries to Government, 5 Commissioners of the Divisions, the Legal Remembrancer, and the Director of Public Instruction. Three more should be appointed by the Lieutenant-Governor from non-officials at his own discretion. This would leave 14 non-official members. Of these I propose 1 to be elected by the Chittagong Port Commissioners, 1 by the Chambers of Commerce, Chittagong and Narayanganj, as representing the jute industry, 1 by the Muhammadan Association, 1 by the Landlords' Association, 2 by Municipalities, 2 by the District Boards of Eastern Bengal, and 1 by the Local Boards of Assam. Another should be chosen to represent the interests of the Assamese and 2 more selected by the Lieutenant-Governor to represent special interests or to obtain expert opinion.

7. I find a pretty general belief that the system of representation by caste will be difficult to work in this province. On the whole, I am disposed to recommend that for District Boards, where half the members are nominated by Government, it will be better to adhere to the present system of direct election, merely raising the voting

standard from the present very low figure up to the maximum allowed by the Act (in view of the fact that 90 per cent. of the electors never vote, I do not think such a measure can be justly called reactionary or uncalled for). I think the standard for those seeking election as members of Local or District Boards should be higher than that of the voters. The exact amount might be determined by an examination of the qualification of the existing members, but it is not too much, I think, to require that those who stand for election as representatives of a body intended primarily to represent the landed interests of the district should be men themselves having a considerable stake therein. Lastly, I would again raise the qualification of those members of District or Local Boards or other gentlemen who seek to be elected to the Provincial and Imperial Councils as representatives of those bodies. In their case I think the qualification required should be a substantial one, and in addition that genuine residence within the electoral area should be obligatory, at least within that Commissioner's Division whose turn it is to send a representative to the Provincial Council. I have myself known a case when the districts in this Division were canvassed by and eventually elected a gentleman who, though his talents and personal character made him in every respect extremely desirable, had not even visited the Division for 20 years before his election and never had any intention of returning to reside there.

8. With regard to Municipalities the case is somewhat peculiar. The Narayanganj Chamber of Commerce have brought to the notice of Government a very gross and flagrant instance of the unfairness of the present state of election. In Municipalities two-thirds of the Commissioners are elected,—where the whole are not nominated, and here I think a compromise might be effected by adhering to the present system of direct voting by the rate-payers for one-half of the total number of Commissioners and for the election of the remainder of the members who are not nominated by a system such as the Government of India suggest in paragraph 22, that is, that, supposing 20 members are to be elected, 15 should be chosen by the direct vote, the franchise having been raised to the maximum laid down by the Act and that the remaining 5 should be chosen by rate-payers from among landholders, cultivators, traders, and professional men, each community to return its own member from its own number. The qualification might be determined in each case according to the standard of municipal assessment per head of the rate-payers.

9. The provisions for the discussion of the budget appear to me to be likely to do much to increase the interest taken in the subject and will probably be of considerable use to the Financial Member of Government if the other members will really join with a view of helping and not of hindering.

OPINIONS SENT TO THE COMMISSIONER OF THE DACCA DIVISION.

(*a*) *Officials.*

1. R. B. Hughes-Buller, Esq.
2. B. C. Allen, Esq.
3. L. O. Clarke, Esq.
4. J. Donald, Esq.
5. Babu Suresh Chandra Sinha, Sub-divisional Officer of Munshiganj.

(*b*) *Public Bodies and Associations.*

6. Faridpur Municipalty.

(*c*) *Bar Associations and Non-official Gentlemen.*

7. Dacca Bar Library.
8. Rai Jogendra Kishore Ray Chaudhuri Bahadur.
9. Maulvi Hemayut-Uddin, pleader, Barisal.
10. Babu Jagat Kishore Acharjee Chaudhuri.
11. Babu Anath Bandhu Guha, B. L.
12. Rai Parvatisankar Chaudhuri of Teota, Dacca.
13. Maulvi Muhammad Ismail, B. L., Mymensingh.

I have the honour to be,

SIR,

Your most obedient Servant,

H. LEMESURIER,

Commissioner of the Dacca Division.

No. 1878J.

FROM

R. B. HUGHES-BULLER, ESQ., I.C.S.
DISTRICT MAGISTRATE OF BAKARGANJ,

TO

THE COMMISSIONER OF THE DACCA DIVISION,

Barisal, the 21st December 1907.

SIR,

I HAVE the honour to submit the following reply to the proposals of the Government of India about the formation of an Imperial Advisory and other Councils, contained in their No. 2310—2317, dated the 24th August 1907, and received with your endorsement No. 1346J., dated the 2nd November 1907. I must express regret for the delay which has occurred in sending my reply, but pressure of work has been very heavy in this district recently, and in addition I have had to deal with the questions of the Decentralisation Commission. The ordinary work in this district leaves little time to the District Officer for dealing with questions of the magnitude and importance which are dealt with in the Government of India's letter.

2. The present report has been drawn up after consultation with my more experienced Deputy Collectors and Sub-divisional Officers and the more we consider the question the more does it appear that the proposals put forward bristle with difficulties when their practical application is attempted.

3. Before proceeding further, I may remark that it seems to me that the Government of India's letter makes three assumptions, which cannot be supported so far as my experience of Eastern Bengal and Assam goes. It is assumed—

(*a*) that there is a general desire for the elective principle and that society has been permeated by education:

(*b*) that the interests of the landlord and cultivator are identical:

(*c*) that the population is divided into occupational caste groups—a thing which is certainly not the case in this part of the country. Probably the writer of the letter was thinking of the caste groups of Madras, which I understand to be quite different from anything existing in Eastern Bengal.

With regard to (*a*), it must be borne in mind that the great mass of the people are still uneducated or barely educated and have no desire for the elective principle. This is indicated by the fact that at the time of the last election for the Local Boards in this district three elections failed. It is well-known, moreover, that enough electors are only brought together by personal motives, and that no one takes much interest in the matter.

With regard to (*b*), much is said in the letter about the opinions of the territorial magnates and the great landlord, but the interests of these men are generally entirely, or in a large measure, opposed to those of the cultivators, and, as one of my most experienced officers suggested, it is the official (the Setlement Officer, the Deputy Collector, and the Assistant Settlement Officer) who has lived for years among the people and knows their wants and the difficulties to which they are exposed, who alone is competent to speak on their behalf. For it is to be remembered that the cultivator cannot be heard through his own class: when a cultivator rises in the world to be of sufficient importance to make himself felt, he becomes a landlord.

4. With these preliminary remarks, I now turn to the scheme as formulated by the Government of India. That the general principle of an Advisory Council is sound, no one who has the interest of the people at heart will for a moment deny. I note in connection with the scheme that nothing has been said about the number of times the Advisory Council is to meet. I think that it should be laid down that it should meet at least twice a year.

5. With regard to the suggestions contained in paragraph 5 (3), I consider that some provision should be made for the representation of other classes than territorial magnates and landlords. Among others I should like to see represented on the

Imperial Council that large class of officials of experience represented by the Provincial Civil Service. There are many Deputy Collectors and Sub-Judges whose opinion and experience would be of the greatest value to such a Council. I presume, too, that Councillors will be selected from among the industrial capitalist, and professional classes.

6. The local Government in sending this letter for report has not indicated the number of councillors it is proposed to select for the Provincial Advisory Council, and this being so, it is difficult to judge how it should be constituted. But here again, I hope, that the Provincial Civil Service, both active and retired, will be represented. The Provincial Advisory Council should meet a specified number of times every year.

7. I now come to the question of the Legislative Council, and with regard to the principle of representation indicated in paragraph 12, I consider that there will be great difficulty in forming a satisfactory constituency by massing together for voting purposes the entire body of landholders in an entire province. I refer to 12 (2) D (*c*). As to the amount of land revenue giving the right to vote, I note that there are only 12 Hindus and 2 Muhammadans who pay revenue of over Rs. 10,000 in this district. Of the Hindus 2 are women. For further reference I give below a statement showing the numbers of proprietors in this District paying land revenue of more than Rs. 1,000.

Sect.	Number of proprietors paying land revenue.									
	Rs. 1,000 to 2,500.		Rs. 2,500 to 5,000.		Rs. 5,000 to 10,000.		Rs. 10,000 and upwards.		Total.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Hindus ...	35	4-39	22	2-24	6	6-12	10	2-12	73	14-87
Muhammadans ...	8	4-12	5	0-5	2	5-7	2	0-2	17	9-26

It will be seen that the number is small. It may also be remarked that this test is not a true one, for it is possible that a landlord in Bakarganj may only pay Rs. 500 as revenue but he may pay several thousand rupees in another district.

8. The inclusion of Muhammadans only in 12 (2) D (*d*) appears to me to be rightly to create invidious feelings among other religious denominations. At the same time it is absolutely necessary that the Muhammadan community should be adequately represented, and this might be done by raising the number of non-official Muhammadans in 12 (2) E to 4 instead of 2.

9. In paragraph 7 the Government of India has made certain suggestions about a Muhammadan electorate. The statement which I have given above shows the number of Muhammadans in the District paying more than Rs. 1,000 on land revenue, and I append a statement herewith showing the number of Muhammadans and Hindus who pay income-tax above Rs. 50.

	Muhammadans	Hindus.	Others.
Above Rs. 1,000	0	4	0
500	0	9	1
100	4	99	1
50	11	168	1
Total	15	280	3

It will be observed that the number of Muhammadans is insignificant. I doubt therefore, whether an electorate can be formed on this basis.

10. In paragraph 20 the Government of India has laid it down that the widest representation is to be given to classes, races, and interests, but the overwhelming majority of all races and classes and interest belong to the agricultural interest, and it is here that the great difficulty of working out the scheme occurs. I have had statements prepared showing the classes represented on the Local Boards and the Barisal Municipality during the last 10 years, and I enclose copies herewith. It will be seen that the legal profession has been better represented on the District Board than the landholding class and that it has, in fact, had an undue proportion of influence. On

the Barisal Municipality, Pleaders and Mukhetars have been represented to the extent of 60 per cent., during 3 years out of the 10 and the percentage is now 54. This confirms much of what is said in paragraph 21 of the Government of India's letter. But it must be remembered that the pleader class is practically the only non-official class of weight and "push." Moreover, in a town like Barisal, the pleaders compose the most important part of society.

11. It is easy to pick holes in the various schemes formulated in paragraph 22 of the Government of India's letter, and it is equally difficult to formulate alternative suggestions. As I have pointed out above, the caste classification cannot be taken as a working basis in Eastern Bengal. The Muhammadans who number 1½ millions should be regarded as a homogenous body; the Hindus who number ⅜ milions are composed of a number of caste groups, the most important of which numerically is the Nama Sudra caste, which is as yet the most lacking in education; probably the best educated is the Baidya caste which numbers only 13,000. Again it is assumed in the example in paragraph 22 (c) that the Muhammadans are divided into occupational groups consisting of land-holders, traders, cultivators and artisans. As a matter of fact, the number of Muhammadan traders is insignificant and the number of Muhammadan artisans is equally small. Similarly with the Hindus: I find that if the cast principle is applied, the fourth numerically strongest group is the Napit or barbar caste. The traders belong largely to another caste, which is little respected, to say the least of it, and that is the Sudra caste.

12. It will be seen from the above how easy it is to criticise. It seems to me that if representative electorates are to be formed we must begin from the bottom and work upwards. Villages might be formed into groups each of which might be authorised to select an elector. These electors might be chosen in an informal meeting under the presidency of a Government officer. The electors might then assemble on a given day and choose representatives to fill a definite number of seats on the Local Boards, the seats on the Boards to be allotted proportionately to the religions in the electoral area. But this system would have to be supplemented by the nomination of representatives of minorities and small groups and occupations, a seat being previously assigned to each such group or occupation. The Local Boards might be used as an electorate for the District Boards and the District Boards for the Legislative Councils, but in each case minorities and occupational groups must be adequately represented.

13. The proposal with regard to the discussion of the Budget in the Legislative Council appears to be suitable.

I have the honour to be,

SIR,

Your most obedient servant,

R. B. HUGHES-BULLER,

District Magistrate of Bakarganj.

No. 3525.

FROM

B. C. ALLEN, Esq., I.C.S.,
MAGISTRATE OF DACCA,

To

THE COMMISSIONER OF THE DACCA DIVISION.

Dacca, the 16th/18th November 1907.

SIR,

I HAVE the honour to acknowledge the receipt of your No. 1346J., dated the 2nd instant, with which you forwarded a copy of letter No. 2310-2317, dated the 24th August 1907, from the Officiating Secretary in the Home Department on the subject of the establishment of Advisory and the enlargement of Provincial Councils. I have discussed the matter with Rai Bahadur Kali Prosanna Ghose, and Khan Bahadur Muhammad Yousuff. Babu Anandi Chandra Roy whom I should have liked to consult is away from Dacca and is not likely to return for some time. Babu Preosankar Roy of Teota is also away from home, but he has promised to favour me with his criticisms in writing, which will be forwarded when received. As the mass of correspondence which will be accumulated in connection with these proposals will be very great, I shall endeavour to be as brief as possible.

2. I propose to deal with the four Councils referred to in this letter seriatim. Turning first to the two classes into which the Councils fall, I presume that the Advisory Councils are intended to fulfil in some degree the functions of a Cabinet, all of whose members belong to one political party, while the Legislative Councils like the House of Commons include an opposition in addition to the ministry and its supporters. If this is so, the Advisory Council must be composed entirely of persons who will be thoroughly loyal to Government, and who far from being ready to take advantage of every slip made by the Executive will be anxious to assist Government with sound advice and will endeavour to minimize rather than to emphasize the blunders that must occasionally be made by every administrative agency. These Advisory Councils will therefore, I imagine, contain no representatives of the Moderate Party; the Councillors will be Indians who have no sympathy with the Congress. These gentlemen will be more appropriately represented on the Legislative Councils. To the constitution of the Imperial Advisory Council I can see no special drawback, but it has been pointed out to me that there are several objections to anything resembling a Parliament of Ruling Chiefs. I presume, however, that the sittings of the Advisory Councils would be few. If, however, it is intended that the Advisory Council shall carry weight with that section of the Indian public which is most concerned with politics, I fear that this desideratum will hardly be obtained from a body constituted on such strictly Government lines. But appeals to the good sense of the editors of Bengali papers or the orators of Beadon Square seem of questionable utility, and it is doubtful whether they would be satisfied with anything short of our complete withdrawal from the country.

3. *The Provincial Advisory Council.*—We considered that a Council formed of the following elements might prove of some assistance to the Local Government:—

(1) The landed interest which would be represented by zamindars of education and intelligence or of solid commonsense, and occasionally by the managers of large estates, when such managers are persons of exceptional capacity and are natives of the country.

(2) The professional classes who would be represented by pleaders, doctors, or professors of proved loyalty.

(3) The educated classes generally, including therein a considerable number of educated gentlemen who hold some land, but whose interests are not very closely connected with the soil.

(4) The mercantile element as represented by Europeans and by native merchants of conspicuous position.

(5) The Muhammadans.

(6) One or more educated but conservative Brahmans who would be able to speak for the orthodox Hindu.

(7) One or more representatives of the Assamese, whose interests are not in all respects identical with those of the Bengalis.

4. *The Imperial Legislative Council.*—The only point which seemed to us to call for any consideration was the system under which persons were to be elected by the great landholders and by the Muhammadans. It is suggested that the provincial electorate for landholders should be composed of from 100 to 150 persons, the amount of land revenue qualifying to vote being not less than Rs. 10,000 per annum. We were of opinion that this electorate was far too wide. It would be difficult to attach too much weight to the objections entertained by Indian gentlemen of position to submitting themselves to the indignity of soliciting the suffrages of those whom they regard as their inferiors. Even in Eastern Bengal respectable gentlemen are loth to stand for seats on the Municipalities and the Local Boards, and the present system of election cannot, I fear, be regarded as being anything but radically unsound. As a rule, only a small proportion of the electors cast a vote (at the recent Local Board elections in the sadar subdivision 90 per cent, abstained from voting) and the electors vote not in support of any principle, but at the request of an individual who can bring some special influence to bear upon them. The territorial system of election is one that is foreign to the country, and it has not thriven in a strange soil and climate. Khan Bahadur Muhammad Yousuff has had much experience of it both as Chairman of the Municipality and Vice Chairman of the District Board, and he condemns it in no uncertain tones. A large electorate would, moreover, be almost certain to pass under the control of wire-pullers and their chosen representatives would be the mouth-piece of the agitating rather than the landholding class. We would accordingly propose that the electorate should be composed of resident zamindars of conspicuous position in society. Every Magistrate could name the three or four principal zamindars of his district and the total number should not exceed 50 for the province. The qualifications for a vote can easily be fixed after it has been ascertained who the voters are. In the permanently-settled tracts road cess, and not land revenue, should be the measure of importance as the land revenue on some estates is out of all relation to their size. This is conspicuously the case in the Goalpara district. The system proposed for the election of Muhammadan voters seems suitable. There does not appear to be any reason why lists of persons paying income-tax on incomes exceeding Rs. 25,000 should not be prepared.

5. *The Provincial Legislative Council.*—The first thing to be determined is the number of seats which can be thrown open to election. The present Council consists of 15 persons, of whom 7 may be officials, 6 are elected, and 2 nominated. In order to enlarge the number of elected members, we must stretch to their utmost possible limits the number of official members, and in appointing extra members we should choose rather those whose work will be least impeded by attendance at the Council Board than those whose opinions might be most mature, for it is as voters rather than councillors that the extra members are required. The official members might, I would suggest, include the following :—

Members of the Board of Revenue	2
Commissioners	2
Secretaries	4
Legal Remembrancer	1
Heads of Departments	5
Collector of district where Council sits	1
Total	15

This would allow of 16 non-official members, 12 of whom would be elected. The elected members I would distribute as follows :—

The tea interest	1
The jute interest	1
The Commissioner of the Port of Chittagong	1
Landholders	3
Traders	2
Professional classes...	2
Muhammadans	2
Total	12

It will be seen that I have thrown over the District Boards and Municipalities as a basis of election. In my opinion, there is no special virtue inherent in either of these bodies, which would justify the retention of the privileges that they now

enjoy. The members are neither representatives of the people, nor even in my experience of the class to which they themselves belong, as in Dacca, the principal pleaders do not care to stand. If, however, this is thought too sweeping a measure, one seat might be taken from the landholders and handed over to the District Boards and Municipalities in rotation.

6. The landholders representatives must be landholders paying more than a fixed sum as road cess. The electorate should be wider than that for the Imperial Council and might include about 50 persons in each division. It would probably be convenient if three seats are assigned to allot one to the Rajshahi Division, one to the Dacca Division and Goalpara, and one to the Chittagong Division and the Surma Valley. Some allowance should , I think, be made to education, and in the case of graduates a smaller amount of road cess should suffice to secure a vote. If only two seats are allowed, the seats should be allotted to the three electorates in rotation.

7. *Traders*.—I would propose to elect through the caste organization. The principal trading castes in this district are the Shahas, Telis and Basakas. I would allot a seat not to the trading community, but to trading caste. For instance to the first Council I would allow the Shahas to elect one member and the Telis another. At the next Council the Shahas and the Basakas should elect, then the Basakas and Telis, and so on. The caste would elect through its own *samitis*. It might be desirable that the seats should be allotted to divisions in rotation, or it might be expedient for each division to choose an elector who should assist in the selection of the Provincial representative. These are details which would have to be settled in consultation with the caste. But the problem would not, I believe, present much difficulty.

The castes have natural leaders and would readily respond to the call to appoint a representative.

8. The representatives of the professional classes might be elected by graduates, persons enrolled as pleaders, and doctors with recognized diplomas not below that of an Assistant Surgeon. A representative should, I think, be elected by each division in rotation, except the Assam Valley. The number of professional men in that division is small and the majority of them are Bengalis. The Muhammadans would be similarly elected by their *Anjumans*.

9. I do not propose that there should be any direct representative of the artizan or the cultivating classes. The labour member is a new and still somewhat uncouth production even in England, and any attempt to introduce direct representation of the lower order would merely bring the Council into contempt. The Assamese should, I consider, have a seat at their disposal, but this seat should be filled by nomination, no suitable system of election being feasible. This would still leave three seats at the disposal of the Lieutenant-Governor.

10. A Council such as that outlined above would be really fairly representative of the people, but I fear that it might not be very acceptable to the Bengali politician. Only two seats are reserved directly for the professional classes, but the senior pleaders are also included in the category of landholders and might be able to secure election in that capacity . It would be regrettable if what is intended to be a progressive measure were to be stigmatized as retrograde, but after all the professional agitation is not the only nor indeed the most important element in the population and there would be little harm in Government openly and publicly announcing that it is not content to accept the professional politician as the sole mouth-piece of the people.

I have the honour to be,

Sir

Your most obedient servant,

B. C. ALLEN,

Magistrate of Dacca.

No. 101J.

FROM

J. DONALD, ESQ., I.C.S.,

COLLECTOR OF FARIDPUR,

To

THE COMMISSIONER OF THE DACCA DIVISION.

Camp Goalundo, the 1st December 1907.

SIR,

I HAVE the honour to submit the following opinion on the proposals of the Government of India in regard to Imperial and Advisory Councils, and the enlargement of the Imperial and Provincial Legislative Councils, copy of which was forwarded with your memorandum No. 1346G., dated the 2nd November.

2. It is proposed to create an Imperial Advisory Council for purely consultative purposes, to consist of Ruling Chiefs and territorial magnates of dignity and status. The advice of such a body on questions of common and imperial interest would no doubt be of great value, and for this reason alone the creation of such a Council is to be welcomed as a step towards allowing the natives of India wider apportunities of expressing their views. But I am not sure that such a Council will prove an efficient agency for the diffusion of information on Government measures. Territorial magnate, in this part of the country, at any rate, are not I think very closely in touch with the masses of the people and other agencies must be looked for to disseminate information on the aims of Government. Nevertheless the scheme will bring a larger number of leading gentlemen into closer touch with the Imperial Government who may prove of valuable assistance. It will be necessary, however, to secure men who will maintain a sustained interest in the work of the Government of India.

3. The proposed Provincial Advisory Councils will in my opinion be of still greater value. The opinion of representatives of different interests is generally taken by Government in all measures affecting their interests. The creation of Provincial Councils will tend to the selection of representatives who will speak with more authority on the matters affecting their special interests and furnish Government with a more weighty opinion on the various measures that come before them. The members of a Provincial Advisory Council being largely class representatives will also be a more efficient means of disseminating information as to Government measures than the members of the Imperial Advisory Council.

4. In dealing with the enlargement of the Legislative Councils the Government of India have drawn attention to the failure of District Boards and Municipalities to represent the landed interest, and to the number of lawyers who have been elected to the Legislative Councils. It may be urged that the lawyers who have been elected to these Councils are themselves landholders and possess greater knowledge of the welfare of the people than the landlords who so far as this corner of the province is concerned are generally absentee. That they are landholders may be admitted, but I cannot agree in the contention that they (and particularly those in the larger towns) are in close touch with the people. In my opinion few beyond the District Officer and his staff are really conversant with the actual welfare of the masses. We cannot, I think, expect any improvement in District Boards, and consequently in their elected representatives on Councils until we can get members who do not seek election for the purpose of securing some benefit to themselves or for the distinction it affords. Few of the residents of the mufassil have reached the stage of subordinating self to the public interest and we cannot expect an improvement until we get an improved tone in this respect. I do not expect at present any decided difference in the class of representatives from District Boards and Municipalities and we shall still find a large proportion of the legal professon elected to the various Councils. Educated natives are mainly either in Government service or members of the Legal or Medical profession—the lawyer being in the majority.

5. In regard to the Legislative Council of the Governor General, it has been represented to me that the proposed constitution will result in Hindu representatives being practically *nil*. I do not think this is likely to be the case. But should there be any possibility that in several provinces other than the Punjab and Eastern

Bengal and Assam, who are mentioned as likely to return Muhammadan members, representatives will be elected who are not Hindus, a modification might be made under sub-head D (*d*) or E of the proposed scheme. The experiment might, at any rate, be tried at first of excluding election by Muhammadans under sub-head D (*d*), and leaving any minority of representation to be filled by nomination under head E. Muhammadans are likely to secure greater representation under D (*b*) by the alteration in the system under which non-official members will be elected to the provincial Councils. There should be no difficulty in the system of election proposed for representation to the Governor-General's Council and it might be adopted.

6. The proposals of the Government of India do not enter in detail in regard to the constitution of the Provincial Legislative Councils. No detailed scheme has been put forward by the Government of Eastern Bengal and Assam ast o the number of elected representatives required for the Council of His Honour the Lieutenant Governor. I presume that opinion in details is not required at present. Representation according to caste would not, I think, be a very sound plan, it would lead to petty jealousies and at the same time necessitate rotation of representation which would not be an altogether satisfactory state of affairs. The system of election to District Boards and Municipalities should be modified in the matter suggested in concluding portion of para. 22 (*c*) of the letter of the Government of India. Class representation combined with the principle, which should be enforced, that electors must elect from their own group, will provide Boards with members, who although of no special ability from the educational point of view, will nevertheless be of great practical use and assistance in the working of the bodies to which they have been elected. With this modification in the system of election, nominations for District Boards and Municipalities should be restricted to provide for the representation of special interests and minorities which otherwise would not secure representation. This of course would vary in different districts.

7. The extended discussion in the Budget debates which is proposed should prove of great value in enabling Government to ascertain, to a greater extent than hitherto, representative public opinion on administrative questions, but it would be premature at present to allow, as has been suggested, a division on any particular question arising during the debate. Important Government questions brought to light in the Budget debate will be the result of official opinion combined with views of the Advisory Councils and however much they may be criticised by members of the Legislative Councils they should not form subjects on which the Legislative Councils should be divided in considering the Budget.

8. I have asked the District Board, the Municipality of Faridpur and Babu Ambica Charan Majumdar to favour me with their opinion on the scheme. Their replies I have not yet received, but I shall forward them immediately on receipt.

I have the honour to be,

SIR,

Your most Obedient Servant,

J. DONALD,

Collector of Faridpur.

No. 639.

FROM

BABU SURESH CHANDRA SINGHA,
SUBDIVISIONAL OFFICER OF MUNSHIGANJ,

To

THE MAGISTRATE OF DACCA.

Munshiganj, the 1st-2nd December 1908.

SIR,

I HAVE the honour to submit the following notes about Imperial Advisory Council.

2. It has been proposed that all the members should be appointed by the Viceroy himself and that the Council should consist of 60 members.

3. The object of the Government in forming the Council is to be either individually or collectively enlightened about the views of hereditary leaders of the people; but if the appointment is confined exclusively to nomination it is doubtful how far the scheme will prove a success. Of course, the Government's aim will always be to get the services of the most competent men and there will be found among them persons who will have the courage of conviction to independently express their opinion, even if that goes counter to the wishes of the Government; but the majority of the Councillors will, both from lack of proper education and courage of conviction, not be able to take any intelligent part in the discussions or supply the Government with an independent opinion. So in my humble opinion, it seems that at least ⅓rd of the membership should be thrown open to election; and as the members of the Council will have no practical power, except supplying the Government with their views, there seems to be no harm of having a certain proportion of them elected by the Ruling Chief, and another proportion by the territorial magnates—the total not exceeding half the number of members of the Council.

4. Regarding the scheme for the enlargement of the Provincial Legislative Council I have already given my views in the discussion that took place at the last District Board meeting.

5. I have to add to it the following remarks :—

The powers of the District Board and the Municipalities to elect a member to the Council should not in any way be curtailed. The voter's qualifications may also remain the same, but a more stringent condition should be imposed on the qualification for membership to the Council. In clause C, section 22, it is proposed to assign a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste or religion and permitting the members of each class to select its own representatives. It is very desirable that the interest of every class are represented in the Boards and Municipalities. Theoretically there can be taken no exception to the proposal but although literacy is put to a test to entitle one to give a vote in the electoral group, as far as can be judged from the present state of the society, we would have to wait for many a long year to come before the cultivators, the artisans and even the traders are sufficiently educated to send from among their own communities members who would be able to take an intelligent part in the discussion of public questions. The census figures cannot be an unerring guide, as those who can hardly read and write have also been classed there under head " literate." The standard of qualifications proposed for giving to each group the franchise to vote may be adopted, but the voters should be given free choice to elect from any class they like

Discussion of the Budget in the Legislative Council.—The proposal to have the Budget discussed in the first instance by separate heads or groups of heads which would be explained severally by the member in the administrative charge is very good one. But practically it will not mean much unless the members engaged in the discussion have power to move amendments and the Committee to make the necessary alterations and revisions before the Budget is finally put before the full Council for general debate : so in my humble opinion something might be done to effect this.

I have the honour to be,

SIR,

Your most obedient Servant,

SURESH CHANDRA SINGHA,

Subdivisional Officer, Munshiganj.

Proceedings of a Meeting of the Faridpur Municipality held on the 30th November 1907.

At an adjourned special meeting of the Commissioners held on the above-mentioned date there were—

Present:

Babu Amcica Charan Mazumdar, M.A., B.L., Chairmam.
,, Purna Chandra Maitra, B.L., Vice-Chairman.
,, Joges Chandra Chakravarti, B.L., }
,, Satish Chandra Mazumdàr B.L., }
,, Nalini Kanta Sen, B.L., } Commissioners.
Maulvi Muhammad Ekram, }
Babu Dina Nath Das, }

The India Government letter No. 2310-2317, dated the 24th August 1907 on the subject of the Imperial Advisory and Imperial and Local Legislative Councils was laid before the meeting. The Vice-Chairman read out the various clauses of the letter of the Government, which were discussed. And the following opinions were unanimously arrived at by the Commissioners present, *viz.*:—

(1) That in the opinion of the Commissioners, the proposed "Imperial Advisory Councils" and the "Provincial Advisory Councils" were unnecessary and might in some cases hamper the administration instead of helping it.

(2) That, as regards the constitution of the proposed Imperial Legislative Council, the Commissioners regret to find that, while much has been done for the representation of the great landed interest in the country, the great middle class including minor zamindars and other landholders in general and the large educated classes and professions in particular, have all been practically ignored. That the Hindus and Muhammadans should have equal representation by election and that the non-official nominations by the Viceroy for the representation of minor and special interest should be restricted only to minorities, and no portion of this representation ought to be reserved either for Hindus or for Muhammadans. The Commissioners would, therefore humbly suggest the following alterations and modifications in the proposed scheme :—

Under head D.—Elected members—

After clause (*d*) there should be another clause—

(*f*) By Hindus	2
E.—Non-officials nominated by the Viceroy to represent minorities	2

3. That, as regards the Provincial Legislative Councils, the Government of India have not directly formulated any scheme, and it is not possible to anticipate the constitution which the Local Governments might propose for their respective Legislative assemblies. The Commissioners would, however, observe that representation of caste would be a very serious experiment in this country not at all likly to conduce either to the welfare of the people or to the best interests of the administration.

That, as regards the discussion of the budget both in the Imperial and the Provincial Legislative Councils, the members should, in the opinion of the Commissioners, have the power of bringing motions and to divide the Council on such motions. Without this substantial power in the non-official members, the discussion on the budget, however minute or elaborate, is bound to possess no more than a mere academic interest as at present.

That the Chairman be requested to forward the above views of the Commissioners to the Magistrate in compliance with the latter's request.

FROM

THE SECRETARY, BAR LIBRARY, DACCA,

To

THE COMMISSIONER OF THE DACCA DIVISION.

Dacca, the 23rd December 1907.

SIR,

THE members of the Dacca Bar having been asked to express their opinion regarding the proposed formation of Advisory Councils and enlargement of Legislative Councils, I have the honour most respectfully to submit their opinion as follows, regretting the delay that has occurred.

Adisory Councils.—These Councils as proposed to be formed are not likely to be of any value as consultative bodies. The Ruling Chiefs and the territorial magnates in this country are, with rare exceptions, not likely to give independent opinion regarding the administrative measures of Government, if they once come to know the views of high Government officials regarding the same. They have for many reasons to look up to these officials for favour and would in offering their opinion consider the light in which it would be received by the officials through whom they are in most cases to seek the good-will of Government. There may also be cases in which the officers of the Government may, contrary to its intention, exercise an influence over the members of the Advisory Councils to express their views in a particular way. Moreover, the Ruling Chiefs and the territorial magnates are not likely to appreciate the scheme, as it does not propose to confer on them a real hand in the administration of the country. The election of the members of these Councils by nomination and the provision about high Government officials presiding in their deliberations are calculated to frustrate the object in view. As a means for making known to the people the motives of the Government and for correcting erroneous and misleading statements of facts, these Councils are not likely to be of much value on the same grounds.

Legislative Councils.—The scheme appears to propose to further strengthen the majority of Government votes, and keep the elected representatives in a hopeless minority without conferring on them any additional power. The members of this Bar are of opinion that the Government ought to concede half of the seats in the Imperial, as well as in the Provincial, Legislative Councils to the elected members, retaining the right vetoing in the President. There ought to be Executive Councils attached to the provincial Governments like that of the Imperial Government and those of Bombay and Madras, and half of their members ought to be selected out of the elected members of the Legislative Councils. This would give the people of the country a substantial and real control over the finance and the administration of the country. A little increase in the number of elected members, who will always be in a minority without any control over the finance and the administration policy of Government is no concession to the people. Their position will be no better than consultative persons like the members of the proposed Advisory Councils, whose opinion may either be accepted or rejected. The principle of forming electorate on the basis of religions, castes, and classes as proposed in the scheme seems to the members of the Bar as the most objectionable part of the scheme. It will create disunion and antagonism where there is none. The Government is mistaken if they are of opinion that the political, administrative, and even social interests of the different classes, castes, and religions are antagonistic to each other. The Hindus and Muhammadans are equally affected by the legislative measures of Government. It is the interest of both the communities either to support or oppose any particular measure because both are equally affected by it. In the past only fitness of the respective candidates was taken into consideration in their selection without the consideration of race, religion, caste, or class to which they belonged. Instances are not rare in which electorate bodies like the District Boards and Municipalities where the members of the Hindu community preponderated have given votes for Muhammadan candidates to the Legislative Councils ignoring the claims of Hindu candidates of equal capacity and fitness. Members of the Hindu community belonging to castes other than the superior ones

or to classes other than lawyers have been elected without racial or social considerations whenever their fitness and qualifications were sufficient. The elected members too on their part have represented the views of the people without any consideration of religion, castes and classes. The proposal of the Government of India if carried into effect, will operate most harmfully by creating a cleavage amongst the people. It will operate as a bar to the fusion of interest of the different communities and create disunion amongst the different members of the same community.

The policy of supplying a counterpoise to the growing influence of the professional classes and specially of the lawyers by creating an additional electorate recruited from the "landed" and "monied" classes in this country do not, as a general rule, represent enlightenment and education. The "landed classes" as pointed out above are not so independent as to enable them to be in a position to criticise the measures of Government. Those educated men of this country who do not seek or are unable to enter Government service generally follow the profession of law. Those who enter Government service are debarred from independently expressing their views regarding the measures of Government. So it is the lawyers alone who are really in a position to give independent and at the same time intelligent opinions regarding such measures. They, as a class, are growing into influence not because of their profession, but because of their education, intelligence, and enlightened public spirit. It would be a great mistake on the part of the Government to set up a class of people whose importance lies in their wealth, as a counterpoise to another whose importance lies in their education and enlightened public spirit. The representations of the District Boards and Municipalities in the Legislative Councils by lawyers have never, to the knowledge of the members of the Bar, been resented by the landed classes. The members of the Bar are aware of the instance in which one of the biggest zamindars of the province had willingly withdrawn his candidature to the Legislative Council in favour of a rival who was a lawyer. The letter of the Government of India under consideration refers to the low percentage of the landed interest in the members of the District Board. This only shows that with rare exceptions the big landed proprietors do take very little interest in the affairs of the District Boards. The cause must either be the lack of public spirit or want of sufficient education. It is not true that they do not like to enter the list to compete with rival candidates who do not belong to their own class. In the opinion of the members of the Bar, the present conditions of the District Boards and Municipalities are not at all faulty, and that these bodies are the best and the most suitable electorate for the election of members to the provincial Legislative Councils. The usefulness of the District Boards may be further increased, by making them altogether non-official bodies and by raising their franchise. These Boards, if allowed to be presided over by non-official gentlemen, would also attract the landed proprietors, who do not generally feel at ease in the presence of the District Magistrates and Collectors.

Elected members of the Legislative Councils, if they are desired to be of any use, ought to have good knowledge of the law and its workings. It is therefore a matter of surprise that the Government of India does not only fail to see the usefulness of the lawyers in these Councils, but in a way deprecates their presence therein.

In conclusion, the members of the Dacca Bar are of opinion that the scheme of the Government of India, if carried out as proposed, will be most injurious to the country.

I have the honour to be,

SIR,

Your most obedient Servant,

M. K. GHOSH,

Secretary, Dacca Bar Library.

From

MOULVI HEMAYET-UD-DIN AMHED,

PLEADER, BARISAL,

To

THE COLLECTOR OF BAKARGANJ.

Barisal, the 29th November 1907.

SIR,

I AM sorry I could not reply to your confidential letter No. 344 P.C., dated the 13th November, earlier, as I was in trouble for many of my family members being ill. I hope you will kindly excuse me. I humbly beg to give my opinion as follows:—

Properly speaking, India is not a country, but a continent. It is peopled by various races, speaking various languages and following numerous religions. The real base of classification here, as in all countries in Asia, is religion, and not trade and profession as may be in Europe. The followers of one religion are not better acquainted with the social condition of the followers of another religion than a foreigner; consequently leading men of one religious persuasion have very little influence over, and sympathy with, the people of another religion. Such being the condition of India, elective system of Government cannot be carried on here just on the same principle as in Europe. Territorial representation is no representation at all; it may sound well in theory, but practically the voting power is directly or indirectly concentrated in the hands of a single section of the community, and the various people of one locality having diverse and often antagonistic interest are represented by a member who is virtually elected by a single section of the community. It is neither fair nor just. If any kind of representative Government is possible in a country like India, in my humble opinion, it should be based on "class representation," and not on "territorial representation." It is very much gratifying to see that this principle of class representation has been admitted in sub-section (*c*) of para graph 22 of the scheme. I do heartily support the principle enunciated therein.

An Imperial Advisory Council.—Nowadays we see that self-constituted representative person or body often try to thrust upon the Government or British public his or their own views upon political question of importance as the views of the people, which is misleading, so there can be no question as to the necessity of "an Advisory Council" consisting of men who are really the spokesmen of the various classes of Indian people.

As regards the function and the procedure of work of the "Advisory Council" as set forth in sub-sections (6) and (7) of paragraph 5, I do fully support them, but as regards its constitution I beg to submit that only the "Ruling Chiefs" and the "territorial magnates" will not satisfy the object of the Council. Besides them, there are other classes of men such as spiritual guides like His Highness Aga Khan, intellectual leaders like Nawab Imad-ud-daula, who have no less influence over the people and who will prove better Councillors and exponents of Government views to the people. Moreover, in this constitution no consideration has been made to "class representation." In my humble opinion, the object of the Advisory Council will be better served if a portion of the body be elected by different *classes* of the people, or if the whole body be appointed by the Viceroy; appointment should be made ont he principle of "class representation," and "intellectual aristocracy" should also be included into the category of Councillors.

Enlargement of the Legislative Councils.—In my humble opinion the principles discussed and the views expressed in the scheme under this head are sound and correct, and I do therefore heartily support them.

The Imperial Legislative Council.—I fully agree in the general principle upon which the Imperial Legislative Council is proposed to be enlarged. It is gratifying to see that the scheme has been prepared with a solicitude to have the vast diversity of *classes, races,* and *interests* represented in the Council. It would be mischievous to allow one community to have the monopoly of representation only because of its superior speech-making educational qualification.

Paragraphs 12 *and* 16.—Grateful thanks of the Muhammadan community are due to Government for recognising their just claims, and while giving my hearty support to the principle, I would beg most respectfully to point out that the four

seats reserved for the Muhammadans will not give the community adequate representation on the Council. I beg to suggest that the number be increased to seven, so that the Muhammadans of each province may surely get one representative on the Council.

Paragraph 14.—It is quite just and proper that the great landholders should have adequate representation in the Council, but it is also equally necessary that the great number of raiyats, who are real producers of wealth in India, should have some spokesman in the Council to look after their interest and represent their views to the Government. I would therefore beg to suggest that at least two seats be given to that important body. For the purpose of securing adequate representation of this class a list of electors may be prepared in each province and that literacy to a certain degree and a certain amount of rent, say Rs. 100 a year, may be made a condition for giving right to vote. This right of election may be exercised by all the provinces in rotation.

Paragraphs 17 and 18.—In my humble opinion, the Government scheme as set forth in paragraph 17 is preferable to what was suggested by the Muhammadan deputation as set forth in paragraph 18. I would only beg to point out that in the Government scheme, while the right to vote has been very justly extended to the registered graduates of an Indian University of certain years' standing, it may with advantage be also extended to the oriental scholars bearing the title of Shams-ul-ulama. I would therefore suggest that the words 'and oriental scholars bearing the title of Shams-ul-ulama' be added at the end of sub-section 3 of paragraph 17.

It is essentially necessary that all the seats should not be thrown open to election, as men of position and culture often feel delicacy to run the risk of election for the reasons the Government has very rightly given.

Paragraph 19.—It is very doubtful that in the present condition of things and circumstances even in Eastern Bengal and Assam, any Muhammadan will be returned to the Council under sub-head (*b*) of head (D).

The provincial Legislative Councils.—I beg to support heartily the views expressed under this head regarding the representation of *classes, races,* and *interests.*

In my humble opinion, as I have said before that this sort of class representation is the only way in which the principle of self-government may be safely and successfully introduced in this country. The distribution of seats as set down in sub-sections (*a*), (*b*) and (*c*) of paragraph 22 seems to be just and fair. The restriction, *viz.*, that the electors will be required to elect from among their own group, is most essential, otherwise a weak group may be unfairly influenced to elect from among the strong group of the same locality, thereby defeating the very sound principle of distribution of seats among the various *classes, races,* and *interests* in the country.

Discussion of the budget in the Legislative Councils.—The procedure laid down in paragraph 23 appears to me more practical and better than what obtains at present.

I have the honour to be,

SIR,

Your most obedient Servant,

HEMAYET-UD-DIN AHMED,

Pleder, Barisal.

No. 157.

FROM

RAI JOGENDRA KISHORE RAY CHADHURI BAHADUR.

TO

L. O. CLARKE, Esq., I. C. S.,

MAGISTRATE OF MYMENSINGH.

Ramgopalpur, 20th December 1907.

SIR,

I AM in receipt of your letter No. 2189J., dated the 11th November 1907, forwarding to me a copy of the communication No. 2310-2317, dated the 24th August 1907, of the Government of India in the Home Department, on the subject of the formation of an Imperial Advisory Council and the formation of Provincial Advisory Councils and the enlargement of Imperial and Provincial Legislative Councils and other matters. With my heartfelt thanks to the Government for the honour it has done me in permitting the free expression of my independent personal opinion about the same, I beg most respectfully to state as follows :—

I quite appreciate the spirit and the good intentions by which the Government has been actuated in starting the proposal for the formation of the Imperial and the Provincial Advisory Councils and the enlargement of the Imperial and Provincial Legislative Councils, and am fervently of opinion that if the scheme be carried into effect with a few modifications, immense good is sure to result.

As the Government recognises in paragraph 2 of the communication the rapid progress made in the country as far as education is concerned and the fitness of the educated people of the country for administrative affairs, it is much to be desired that the educated men who come mostly from the middle classes and who are midway between the big landholders on the one side and the agricultural masses on the other be allowed to have and adequate representation in the Advisory and the Legislative Councils.

Therefore my humble prayer regarding the formation of the Imperial Advisory Council, which is proposed to be composed principally of the Ruling Chiefs and landholders, is that, in order to ensure efficiency of the Council and enhance the value of their advice, a sufficient proportion of men of education who are qualified to give advice on administrative matters be associated with them, and the members of the Council should be given some powers to initiate measures, and it should also be provided that the members meet together and give their collective and independent opinion on matters referred to them; otherwise the beneficial results intended by the benevolent Government may not follow to the desired extent.

As to the scheme for the enlargement of the Legislative Council, I beg leave to state that, although there may be sufficient provisions for representation of the landholder classes in the Councils to be formed with increased numbers, their constitution does not appear to me to be an improvement on the constitution given by the Act of 1892, for the educated people will lose much of the privileges they have been hitherto enjoying, though in a limited scale. The principle on which the representatives to the Councils are to be appointed or elected may introduce racial distinctions, which have never been the policy of Government to encourage. Besides, it may, to some extent, frustrate the very object with which the system of election was introduced by the Local Self-Government Act.

I therefore crave leave to pray that the scheme be so modified and altered as may render it useful to the Government and beneficial to all the communities concerned.

In conclusion, I beg to state that whatever measures the generous Government may deem proper to introduce for the benefit and the good administration of the people will be cordially accepted by me.

I have the honour to be,

SIR,

Your most obedient Servant,

JOGENDRA KISHORE RAY CHAUDHURI.

No. 585.

FROM

BABU JAGAT KISHORE ACHARJEE CHAUDHURI,
ZAMINDAR, MUKTAGACHA,

TO

THE MAGISTRATE OF MYMENSINGH.

Muktagacha, the 27th November 1907.

SIR,

WITH reference to your letter No. 2189J., dated the 11th—15th November 1907, I have the honour to state that I fully agree with the views of the Government of India with respect to the New Councils scheme, subject to the following suggestions:—

"That, for the purpose of securing the adequate representation of the landholders of Eastern Bengal and Assam, the size of the Provincial electorates should be more enlarged than what has been aimed at in the scheme; and that the amount of the land revenue giving the right to vote should be Rs. 5,000 a year. Because, the majority of the talented members are expected to come out from the minor landholders. And that, in my opinion, the number of seats should be equal between the Hindus and the Muhammadans in the Provincial Council."

I have the honour to be,

SIR,

Your most obedient servant,

JAGAT KISHORE ACHARJEE CHAUDHURI,

Zamindar, Muktagacha.

FROM

BABU ANATH BANDHU GUHA, B.L.,

TO

THE MAGISTRATE OF MYMENSINGH.

Mymensingh, the 28*th November* 1907.

SIR,

WITH reference to your letter No. 2189J., dated the 15th November 1907, forwarding a letter from the Government of India on the New Councils schemes, I have the honour to state that I quite appreciate the spirit and good intention of Government in starting the schemes. But I very much regret that the country has not been able to accord its support to the schemes as proposed by Government. Two matters, namely, the formation of Advisory Councils and the enlargement of the Legislative Councils, both Imperial and Provincial, have been proposed by Government as reforms of the present system and as steps towards the wider representation of all classes of the people. But the proposed schemes will not fulfil this object; on the contrary, the scheme for the enlargement of the Legislative Councils is regarded by the whole country as a retrograde measure and calculated to create class prejudices.

In order to make the Advisory Councils a really useful institution, it is desirable that these bodies should be vested with powers of initiative in certain matters which may be defined by Government, and instead of taking individual opinion in all cases their collective opinion should be taken. Government always takes individual opinion on all important matters connected with the administration of the country. I submit that it would not be any reform at all if the same course be continued. It is desirable that the Advisory Councils should be authorised to offer their opinion on important legislative and administrative matters on which they might like to offer advice to Government.

The success of the scheme will mainly depend upon the formation of the Councils. Experience has unmistakeably shown that most of the territorial magnates and zamindars are reluctant to frankly express their opinion before the authorities, and they always consider it safe to agree with them. I am afraid, unless a considerable number of leading educated men be associated with the Ruling Chiefs and territorial magnates, the Advisory Councils will neither inspire confidence, nor command the respect of the country. I beg to suggest that at least half the number of the proposed Councillors should be taken from the educated classes, and that they be elected by the District Boards and principal Municipalities.

I submit that complete liberty should be given to the Councillors when they might meet for the discussion of any subject. If the head of the Government or a high official be deputed either to take part in the proceedings or preside over the meetings of the Councillors, they will simply echo the opinion of the officials as has been proved in numerous instances in the District Board and other meetings. The Councillors should be authorised to elect some one from among themselves as their President.

With regard to the enlargement of the Legislative Councils, I submit that the present scheme, instead of being a reform of the constitution that was adopted in 1892, is a retrograde step and is in no way an improvement of the existing constitution. In no civilized country in the world education is excluded from all elements of such constitutions. India may be peculiarly situated to a certain extent, but the Secretary of State has partially recognized the force of education in the recent appointments that he has made in his Council from India. The test of education is free from class prejudices and gradually raises the country, both morally and intellectually. Legislation is an exceedingly difficult duty and requires in the members capacity, experience and thorough education to enable them to be of any use in the Council Chamber. I cannot persuade myself to believe that Government simply

wants an increase of non-official members with a corresponding increase of officials and does not want to take in men who are likely to render useful help to Government in the difficult task of legislation. I venture to take the liberty also to point out that the present scheme might nullify its object by creating class feeling in the country.

I, therefore, crave leave to suggest that the schemes may be so modified and altered as may be of use to Government and acceptable to the country.

I have the honour to be,

SIR,

Your most obedient Servant,

ANATH BANDHU GUHA.

Observations and suggestions on the scheme for the enlargement of the Provincial and Imperial Councils by Rai Parvati Sankar Chaudhuri of Teota, district Dacca.

An Imperial Advisory Council.

Page 3, paragraph 4 of the printed Circular.—The Council will be a useful institution. The Ruling Chiefs and the territorial magnates of India pay yearly visits to the Viceroy at Simla or Calcutta, they shall not have to incur additional expenses in attending the sittings of the Advisory Councils. They shall have to study carefully questions submitted to them for opinion, they will thus advance both in statesmanship and in true conception of their individual administrative duties. The Ruling Chiefs will be brought under closer bonds of friendship by their being appointed as Councillors of the Empire.

The proceedings of the Council ought to be public, except when confidential matters are submitted to them for opinion. The general nature of the subjects that should be put before the Imperial Councillors ought to be clearly set forth with the inauguration of the scheme.

The Provincial Advisory Council.

Page 4, paragraph 6 of the printed Circular.—In my humble opinion, there seems to be no necessity for Provincial Advisory Councils in case the Provincial Legislative Councils are enlarged. The Provincial Advisory Council will be composed of nominated members, and they will practically represent none but themselves, and having no constituency at their back, the general public is not likely to be in touch with their opinions. The chief matters with which the people are concerned are the legislation and the budget. As the Government is anxious to secure proper representation of all calsses of interest in the Legislative Councils by election and nomination, and as it further proposes to allow the discussions to be prolonged, the discussions in the enlarged Councils will be necessarily advisory and suggestive, the existence of the Advisory Councils will be a superfluity. The Government may invite, as at present, criticisms on its measures from political associations and private individuals to make up for any apprehended deficiency in the information and light thrown by the elected and nominated members in the proposed enlarged Councils. After the creation of the Advisory Councils it will not be possible for Government to act according to the advice of the Councillors on any occasion. This will create disappointment, the Councillors will lose interest in their work, and ultimately the institution will lose importance in the eyes of the general public. Therefore, instead of the proposed Provincial Advisory Councils, the present practice of securing opinion from public associations and prominent persons in each province seems to be more desirable.

Instead of the Provincial Advisory Councils, I humbly suggest that Divisional Councils be established to advise and help each Commissioner in his administration of the Division. The Councillors should be elected by the different interests in the Division, a definite number of them being allotted to each district according to its population and different interests; the District Magistrates, the District Judges, the Superintentent of Police, etc., to be the *ex officio* members, with the Commissioner as President. The function of the Council will be advisory and suggestive, so there will be no necessity for appointing further official members to secure a Government majority. The Commissioner to call Council at least twice during each official year, once before the yearly report of the Commissioner is sent to the Provincial Government and again after the allotment of funds for expenditure in the Division. In the first meeting the Commissioner shall have to place that portion of the draft yearly report which is not confidential but of general interest before the Council, and hear what the Councillors have to advise or suggest. In the second meeting the members are to be consulted how to employ the funds alloted by the Provincial Government under different heads.

When any new Bill is proposed for enactment in the Provincial Legislative Council, the Bill may be sent for criticism in the Divisional Council. The Commissioner shall have thus an opportunity to explain the tmoives of the Government for introducing the Bill. One of the "difficulty encountered by the Government of India in making their measures and motives generally understood by the people, and in correcting erroneous and often mischievous statement of fact or purpose

imputed to them" will be thus greatly solved. The members of the Divisional Councils having a large number of constituents at their back, and to whom they are responsible, will be better able to diffuse their information amongst the general public than can be done by, or expected from, the limited number of the elected Councillors. The Commissioner of the Division will be thus in touch with all people in his Division and would better secure their co-operation in his work.

The Commissioner of the Division will thus be in a position, after his association with the Councillors for some time, to know who are fittest persons in his Division, and the Imperial and Provincial Governments will be able to make a good selection of nominated members in the expanded Councils through the Commissioner (*vide* page 8, paragraph 15 of the Government circular). The members of the Divisional Council shall thus obtain a good training in the local administration, they will realize and appreciate the responsibilities and difficulties of the administration, and their views will be filtered down to the masses dispelling discontent and ignorant criticism. There are many possibilities of the usefulness of the Divisional Councils when the proposed decentralization scheme is carried out.

Qualification of a Voter.

Page 7, paragraph 14, the concluding portion.—In fixing the amount of land revenue giving a right to vote for a member to the Imperial or Provincial Council, the Government ought to take into consideration the case of Hindu joint families and owner of joint estates ; to the head of the family or one of the owners of the joint estate should be given the right to vote, provided the joint income satisfies the limit prescribed.

Page 11, paragraph 9, the concluding sentences.—The Government of India suggest that—"In each case the electors ought to be literate and they should be required to elect from amongst their own group." The education amongst the cultivating and labouring classes in many districts has not made much progress, so it will be difficult to carry out practically the suggestion at present. The qualification in their case should be monitory or otherwise and not literary. They should be allowed, in case a proper representative is not found in their class, to elect any one from their communities whom they think fit.

FROM

MAULVI MUHAMMAD ISMAIL, B.L.,

To

THE DISTRICT MAGISTRATE OF MYMENSINGH.

Mymensingh, the 19th November 1907.

SIR,

WITH reference to your office memorandum no. 2189 J., dated the 11th—15th November 1907, asking my opinion as to the Government of India's Circular no. 2317, dated the 24th August 1907, regarding the reformation of the Councils, I have the honour to submit the following observations for your favourable consideration :—

The subject requires very little comment from me, and I think the proposal has been made with much sympathetic consideration for the Muhammadan community and the Muhammadans are grateful to the benign Government. The proposed reformation is a very sound one, and I hope and trust it will be productive of beneficial results.

The formation of Advisory Council will, I think, be a means of establishing good feeling and mutual trust between the ruler and the ruled.

The Imperial Advisory Council is proposed to consist of members all to be selected from amongst the great landholders of the country besides 20 Ruling Chiefs. As to this proposal, I beg to suggest that the members may be taken from all the communities, so that there may be the facility of referring the matters concerning one particular community to a member of that community. I would not suggest any numerical limitation, as that would be practically of no importance.

As to the Provincial Advisory Council, I venture to suggest that the members of this body should be selected from all the communities with a view to represent the interest of all.

I beg leave to add here that in several matters the interest of the landlords and tenants are at variance and tenants constitute the vast number of the population of the country. They being an uneducated and helpless mass are mostly in need of the special protection of the ruling power. The ruling power has a solemn duty to perform in saving them from the powerful clutches of the landlords and money-lenders. This country being pre-eminently an agricultural country, all the other classes thrive at their cost. With a view to safeguard their interests, the Government should make some provision to ascertain their grievances besides those got through the official sources. I therefore venture to suggest that some members be taken at least in the Provincial Advisory Council who may be able to enlighten the authorities in this matter.

Then as regards the enlargement of the Imperial Legislative Council, I think the proposals have been made having due regard to the interest of all the people concerned. In paragraph 12D(C) seven members have been proposed to be elected by the landholders, one member being elected by each province. The qualification of the voter being payment of R10,000 as Government revenue. Having regard to the low rate of revenue paid in the permanently-settled areas, specially in the case of old respectable families, having also regard to the unwillingness of the respectable zamindars to canvass for securing votes and to the sense of humiliation with which failure is likely to be regarded by that class, I am afraid the very class whose election is intended will be excluded. It is also a matter of careful consideration that great landholders being almost invariably guided by their advisers, their election is likely to be influenced by the agitators, and I apprehend the very object of the proposed privilege will be frustrated. I would therefore suggest that either the members be elected by the landholding members of the Provincial Council or the members be taken purely by a system of nomination.

As to the Provincial Legislative Council, I venture to suggest that, in determining the seats, the numerical strength of each community should be taken into consideration.

The District Boards and Municipalities enjoy the privilege of sending members to the Provincial Council. So the constitution of the Council much depends upon the formation of these bodies. It is a well-known fact that various sorts of influences are brought about for the purpose of securing election and independent election rarely takes place.

The reservation of seats in those bodies proportionate to the population of each class will have a salutary effect and each community should elect its representatives from among its own members. That would necessitate the amendment of the Local Self-Government Act and some alterations of the rules thereunder. In nominating members of those bodies the same principle should be adopted.

Under the existing system two-thirds of the members of the Municipalities are elected and one-third nominated. With a view to strengthen the hands of Government and also to safeguard the interests of the different classes, it is desirable that the proportion of elected and nominated members of these bodies should be half and half as in the case of District Boards.

As to the budget debates, I venture to remark that the present system of debate is altogether useless and productive of no political results. In case the debates be confined to the separate heads of the budget, it will lead to useful results and likely to bring about material alterations in the system of administration where deemed necessary.

Subject to what to the benign Government may seem proper for the welfare of the multitude entrusted by the Almighty to its care, I conclude my observations.

I have the honour to be,

SIR,

Your most obedient Servant,

MUHAMMAD ISMAIL.

FROM

BABU HARENDRA CHANDRA SINHA,
SECRETARY TO THE DISTRICT BAR LIBRARY, SYLHET,

To

THE SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL ASSAM.

SIR,

I AM directed by the members of the Bar Library to acknowledge receipt of your letter no. 11494C., dated the 9th October 1907, and your subsequent telegram no. 15A., dated the 16th instant, inviting the opinion of the Sylhet Bar on the proposed reform of the Imperial and Provincial Legislative Councils and the formation of Advisory Councils. I regret I could not collect the opinions of the members of the Bar within the time specified in your letter no. 11494C. I have since been directed, however, to submit the following suggestions as embodying the consensus of opinions.

1. The members of the Bar appreciate the laudable desire of the Government to afford certain classes, described as the stable element of society, wider opportunities of expressing their views on administrative matters, but they deem it their bounden duty to point out at the outset, that no mere opportunities of expressing their views without any adequate provision for those views to have any effect in the actual shaping of the administrative policy, can satisfy the popular aspirations which have been largely stimulated by the spread of English education to which reference has been made in the second paragraph of the present letter of the Government of India. The great bulk of educated communities have always looked forward to the day when India will be one of the self-governing limbs of the British Empire, and recently these feelings and aspirations have also permeated the masses. The Government itself, in the past, have fostered the growth of these aspirations, and to a certain extent the administrative policy was moulded with that happy consummation in view. It would be a matter of regret if the Government were to change its policy now and neglect to avail of the present opportunity in taking further steps to hasten the establishment of representative institutions in India.

2. The time is perhaps not yet come when popular government can be all at once established in this country with safety or advantage. But the members of this Bar are of opinion that the merit or demerit of any particular scheme of reforms which involves the introduction of the elective principle or the establishment of representative constituencies must be judged by this single test, namely, whether the proposed scheme is likely to promote or hamper the growth and the future working of representative institutions and popular government in India, in other words, whether the particular reform is a step in advance, or whether instead of smoothing the difficulties in the way, it will create further complication for the harmonious and orderly working of the self-governing institutions in future.

3. The members of this Bar are the more solicitous to urge these considerations to the government because they fear that certain proposals, if given effect to, will retard the growth of the unity of the different classes, so essential for self-government, by creating and perpetuating conflicting interest and making the classes to regard their interests as necessarily antagonistic. The members of the Bar will explain their objections when they come to consider these proposals in detail and express their views thereon, but before they do so, they wish to address the Government with due submission on certain general considerations and certain sentiments that have found expression in the letter of the Government of India.

4. It is rightly observed that for the present, at any rate, the needs and sentiments of the masses of the people must find expression through those who are acquainted with their daily life, and are qualified to speak with authority on their behalf. The object would be best secured if the middle class in India be adequately represented in the various councils. The Government is anxious that the landed aristocracy of India

the mercantile and industrial classes should be provided with more adequate opportunities of representation, but it cannot be admitted that these classes represent the whole or even a substantial part of the more influential sections of the higher and middle classes in this country. So far as the native population is concerned, commercial and industrial life is yet in its infancy, while the landed aristocracy is the merest fringe of the native society in India. It is the middle class landowners, and not the landed aristocracy, which is the most important factor in the composition of sociey, and from this class came, in great measure, the high Government servants and the members of the Bar and of other learned professions, and this middle class constitutes the great bulk of the modern educated community. The members, however, regret that, while no definite scheme has been framed for the separate repersentation of the commercial and industrial classes who are the most powerful factors after the landowners, too much importance has been attached to the landed aristocracy, and the interests of the middle class landowners have been neglected. The wealth or the rent-roll of the big landowners is no measure of their real position in society or their influence among the people. The small landowners manage their own property, mix freely with the people, and have consequently greater influence among them than the big landowners who are generally absentees, who have no personal knowledge of the people, and no opportunities of mixing with them, and who manage their estates by agents, who are themselves members of the middle class, and share the feelings, sentiments, and aspirations of that class.

5. The Government of India's letter also refers to the great body of moderate men who, under existing conditions, have no sufficient inducement to enter political life. It is very unfortunate that the Government of India should, in this present time of tension of popular feeling, express itself in a way casting such reflection on the representative men of the country, in fact, the flower of Indian society, who have hitherto sought elections in the various Legislative Councils, as if they were not moderate or were inclined to violence. Equally unfortunate is the reference to the lawyers. The distinction made between lawyers and landowners is unwarranted by facts, and the only impression created by this observation is that, in the opinion of the Government, the influence that the lawyers have acquired is undesirable. It would be wrong to suppose that the lawyers as a class are distinct from the landowners. In fact, almost all the successful lawyers are big landowners. The landowning class supply the largest quota of legal practitioners, and as land is the most valuable of all properties, successful lawyers generally invest their earnings in lands. The lawyers are the most educated, the most intelligent, and the most independent among the landowners, and they are, therefore, the best representatives of the landed interests.

6. In fact, it is essentially wrong to divide the people into different classes, such as the landowners, the commercial and industrial classes and the professionl classes. The wealthy landowners devote themselves to commerce, commercial and other moneyed classes invest their savings in lands, while the professional classes arise out of the other classes. Really there is no antagonism of interests that may call for separate representation. If territorial constituencies be created in sufficiently large numbers constituted of all these various classes, there is no reason to apprehend that any particular class will monopolise all political powers. It is more likely that in a popular assembly, the different constituencies will return members from different classes and grades in society according to their varying composition. If such result has not been obtained in the past it is because the representative system has not been given a fair trial in this country and the number of elected members has been too few to admit of more variety in representation. The system of giving separate representation to the different classes will prove detrimental to the future well-being of this country by keeping up antagonism between the classes and loosening the bonds of union between them. The members of this Bar therefore suggest that the system of local representation by a uniform franchise sufficiently broad to include all classes be introduced, and the power of nomination reserved for the Government be utilised in supplementing the system of popular representation. For the present it is not necessary to introduce any complicated procedure of election for the representation of minorities.

7. The members of this Bar cannot approve of the proposed constitution of the Imperial Advisory Council. They think even a consultative body like the proposed Council may prove very useful in rendering assistance to the Government, but its success will depend upon the spirit in which it is worked. It is essential for this purpose that really independent men be selected as councillors who can give their opinions authoritatively without fear or favour. To make this Council entirely

composed of Ruling Chiefs and territorial magnates would be to defeat this end and make it a purely ornamental body, devoid of any influence in the country. It should be a real council possessing a strong corporate character and not a mere list of councillors or advisers. Deliberation and expression of corporate views should be its chief function, and it is therefore essential that whenever the council is asked to deliberate, all the members should be summoned. The Government has always the power to consult any individual on any matter, and it is not necessary to institute a council for that purpose. It is very desirable that the Government should more often consult the council in its corporate character than the individual members separately. The council should be so composed that it may form the nucleus of a Senate or a second Chamber of Life Peers. Not only territorial magnates, but eminent persons of rank in every walk of life should find a place in it. Eminent jurists, retired judges, and other high public functionaries, those who have attained success in the learned professions, as well as big capitalists, bankers, and merchants, should be nominated to this Council. The non-official members of the Legislative Council may fittingly nominate certain councillors. It is not desirable that the Ruling Chiefs should be invited to this council which is likely to deal largely with the affairs of British India. The Chiefs themselves might grow unpopular with their own subjects on account of such association. The members of this Bar are alive to the community of interests between the Native States and British India, but the limited purposes mentioned in the letter of the Government of India may be fulfilled by summoning occasional conferences to which Ruling Chiefs, as well as provincial Governors, might be invited. There would be, however, no harm in inviting prominent citizens of the Native States to the Advisory Councils. It is not the opinion of the rulers, but the opinions of ruled, that are to be focussed in these councils. The dignity of the Crowned Princes of India is sure to be impaired if they are called upon to sit in the council along with British subjects. The deliberations of the council should be open and made public. Otherwise it will not be able to command confidence and respect. The Provincial Advisory Councils also should be similarly constituted.

8. Coming to the scheme of enlarging the Imperial Legislative Council, the members of this Bar are confronted with the difficulty mentioned in paragraph 11 of the letter of the Government of India. The scheme is incomplete, inasmuch as the elective representation in the Imperial Council is based on the system of representation in the Provincial, Councils and the merits of the scheme suggested for the Imperial Council cannot be adequately considered unless and until the constitution of the Provincial Councils has been first formulated. The two important features of the scheme as regards the Imperial Council is the direct special representation of Muhammadans and the landed aristocracy. The scheme does not provide for direct representation of the middle class Hindus. It is perhaps thought that the middle class Hindus will predominate in the Provincial Councils, and that they will be adequately represented by the members elected by the non-official members of the Provincial Councils. This, however, cannot be ascertained unless the constitution of the Provincial Councils be first settled.

9. The members of this Bar are, however, of opinion that too great importance has been attached to the big landowners and too little to the popular representatives as represented by the members elected by the non-official members of the Provincial Council. It would be wrong to say that the great landowners represent the interests of all landowners, great and small. The members of this Bar therefore suggest that the number of representatives of landowners be reduced from 7 to 2 to be selected in rotation from the different provinces, and the number to be elected by the non-official members of the Provincial Council be raised from 7 to 14, allotting two members to each province. This will afford greater opportunity for the representation of minorities. Two representatives should also be assigned to the Central Provinces, where there is no Legislative Council.

10. The members of this Bar cannot, however, approve of the scheme of class representation suggested in paragraph 22 of the letter of the Government of India. It is retrograde in character and, if carried into effect, will in all probability injuriously affect the national development. No case has been made out for such an innovation of a questionable kind. The Hindu community as a whole is opposed to any representation by castes. So far as the Municipalities, District Boards, and Local Boards are concerned, there is no justification for even the limited scheme of class representation by occupational groups. These local bodies are concerned with purely local matters, such as village sanitation, the digging of tanks, the opening of dispensaries, the construction of roads, the maintenance of schools, with regard to

which there is no diversity of interest between a Hindu and Muhammadan, a Brahmin or a Sudra, a landholder or a fisherman. The scheme of local representation whereby the subdivision is divided into small areas for returning a single member is best calculated to promote the object of the representative system so far as the Local Boards are concerned. The artisans or the cultivators scattered over a big subdivisional area would not get any special benefit by being allotted a single member to represent them. Such a member could not benefit anybody except the locality in which he himself lives. A Hindu would prefer a local Muhammadan over a Hindu of a different pargana, the cultivators of one pargana would derive no benefit by having a cultivator elected, even if suitable candidates be forthcoming from a different pargana. A local man is always preferable, inasmuch as he will naturally try to secure the greatest benefits for the locality to which he himself belongs. More retrograde in character is the principle to insist that Hindus should elect none but Hindus, Muhammadans should elect none but Muhammadans, landowners should elect none but landowners, cultivators should elect none but cultivators, and traders should elect none but traders, or Brahmins should elect none but Brahmins. Such unnecessary limitation of the field of choice is not desirable. When an intelligent constituency, on whatever principle formed, has been constituted, it should be left free to make its own selection. The proposed scheme is unprecedented in character. It has not been adopted in any place where representative institutions have been worked with any degree of success. Certain property qualifications may be insisted on in the case of electors, but no corresponding limitation is necessary in the case of candidates and should not be insisted upon if representative system is to be given a fair trial in this country.

11. Even as regards Imperial matters that usually come before the Legislative Councils, there can be hardly anything that concerns religious beliefs or caste prejudices. In fact, too much importance is proposed to be attached to beliefs and traditions. There is more permanent opposition of interest between landlords and tenants, between capitalists and labourers, and if it be considered necessary to create special constituencies, these should be on the basis of occupational groups in which the community of interests is large and growing, and not on the basis of sects and castes, which are dwindling in importance and losing their characteristic features. The constitution of the local bodies, however, should not be interfered with, and if a different kind of representation be determined upon in the case of Legislative Councils, there should be local constituencies, district by district, in which the voters in each group of electors should directly elect a member for the Legislative Council.

12. The members of the Bar, however, cannot disregard the fact that the great bulk of educated Muhammadan opinion in India is in favour of separate representation. Their sentiments are very strong on this point, and it would perhaps be unwise to disregard them altogether. It is, however, well to remember that the political interests of all Muhammadans are not identical, and the educated Muhammadans themselves represent a narrow class among their community. It would be no gain to create a single constituency composed of Muhammadans of all grades; in fact, the scheme of disintegration shall have to be carried further and it would be necessary to create at least separate constituencies of Muhammadan landowners and Muhammadan traders. So far, however, as this province is concerned, there is no need for special representation of Muhammadans, who are in the majority in this province. It is the Hindus who will require special protection if such protection be at all necessary. It would be an anomaly indeed if Muhammadans were to have special representation while at the same time exercising the privilege conjointly with the Hindus. In that case there should be special seats for the Hindus as well. The best scheme would be to supplement the scheme of local representation by giving the power of election to occupational groups both among Hindus and Muhammadans separately. It is, however, necessary that in every province the franchise for the Hindus and Muhammadans should be alike. It is necessary to point out in this connection that the scheme of direct representation suggested for the Imperial Council violates this principle. Muhammadan landholders of moderate income will exercise the privilege of directly electing a member to the Imperial Council, while a Hindu possessing the same or superior qualification will find no such opportunity to exercise that right.

13. One or two seats should be allotted to each district according to the numbers of voters in each. Thinly populated districts may be combined for the purpose if necessary. Separate seats should be allotted to the important municipalities. In this province one representative may be allotted to the planters in the Surma Valley

one in the Brahmaputra Valley, and one to the planters in Jalpaiguri. One representative may be allotted to the jute industry. The Calcutta University should be allowed to nominate one member to the Council of Eastern Bengal and Assam.

14. The members of this Bar are of opinion that more extended power of interpellation should be given to the members, and the members should be allowed to follow up their questions by putting further questions on the same point as is the practice in the British Parliament.

15. In conclusion, the members of our Bar hope that the present opportunity will be availed of by making the system of election real and effective. The result of the election should be final, and no further sanction or approval of the executive Government should be considered necessary.

I have the honour to be,

SIR,

Your must obedient Servant,

HARENDRA CHANDRA SINHA,

Secretary to the District Bar Library, Sylhet.

(I)

STATEMENT SHOWING THE NUMBER AND CLASSES OF THE MUNICIPAL COMMISSIONERS OF BARISAL MUNICIPALITY.

—	Professions.	Barisal Municipality.											Remarks.
		1897-1898.	1898-1899.	1899-1900.	1900-1901.	1901-1902.	1902-1903.	1903-1904.	1904-1905.	1905-1906.	1906-1907.	1907-1908.	
1	Government servants	1 *7*	1 *7*	1 *7*	1 *7*	1 *7*	1 *7*	2 *13*	2 *13*	2 *13*	1 *7*	1 *7*	The figures in italics show the percentage.
2	Zamindars, etc., and subordinates	4 *27*	4 *27*	4 *27*	5 *33*	5 *33*	5 *33*	6 *40*	6 *40*	6 *40*	5 *33*	5 *33*	
3	Pleaders and mukhtears	9 *60*	9 *60*	9 *60*	8 *54*	8 *54*	8 *54*	6 *40*	6 *40*	6 *40*	8 *54*	8 *54*	
4	Planters	...	...	...	...	...	...	...	...	...	...	...	
5	Missionaries	...	...	..	...	...	...	...	...	...	...	...	
6	Government pensioners	...	...	...	...	...	...	...	...	...	...	...	
7	Others	1 *6*	1 *6*	1 *6*	1 *6*	1 *6*	1 *6*	1 *7*	1 *7*	1 *7*	1 *6*	1 *6*	Medical.
	Total	15	15	1	15	15	15	15	15	15	15	15	

R. B. HUGHES BULLER,
District Magistrate.

XXIII.

No. $\frac{1285}{I—15\text{-}2}$.

CENTRAL PROVINCES ADMINISTRATION.

Appointments Department.

FROM

F. S. A. SLOCOCK, ESQ., I. C. S.,

CHIEF SECRETARY TO THE CHIEF COMMISSIONER,

Central Provinces,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

Nagpur, the 18th June 1908.

SIR,

I am directed to make the following reply to Sir Harold Stuart's letter No. 2317, dated the 24th August 1907.

2. The proposals of the Government of India were forwarded for opinion to Rao Bahadur R. N. Mudholkar, who was President of the last Central Provinces and Berar Provincial Conference, to the Presidents of the Malguzari Sabhas, Nagpur and Jubbulpore, and the Presidents of the Anjuman Islamia at each of those two places. They were also forwarded to all Commissioners of Divisions, who were asked to consult such officers, private persons or bodies as they might consider advisable.

3. The Chief Commissioner did not see his way to attempt to place before those consulted any scheme on behalf of the Administration whether for putting into effect the Government of India's proposals or for modifying them. As the Provinces have no Legislative Council and the idea of an Advisory Council was a complete novelty, he much preferred to await the result of the reference before committing himself, however tentatively, to any approval or disapproval of the scheme as expounded by the Government of India, or to any alternative paper constitution for the proposed Councils, or any alternative method for securing to the people at large, or particular classes of them, an increased representation or voice in the management of public affairs.

4. The replies to the reference, of which I am to forward copies, include an interesting memorandum from Rao Bahadur R. N. Mudholkar, letters from the two Anjuman Islamia of Nagpur and Jubbulpore, and from the Malguzari Sabha, Jubbulpore. The replies from the Commissioners of Divisions have embodied the more important suggestions made to them. To the letter from the Commissioner of the Nagpur Division is attached a letter from the Deputy Commissioner of Nagpur, summarising suggestions and remarks of Sir Bipin

Bose, the Hon'ble Mr. G. M. Chitnavis and Khan Bahadur Bezonji Dadabhoy, who is a leading representative of the commercial classes. The Chief Commissioner has decided to forward these replies because it seems desirable both that those consulted should feel that their views as expressed by themselves, have been considered, and that the Government should be in a position to judge of the weight attaching to the various opinions by reference to their full text.

5. On a consideration of these papers the Chief Commissioner feels that, while some of the criticism offered goes to the root of the subject, in a good many cases the suggestions made have really begged the larger questions at issue and have been confined to matters of detail almost trivial in their importance, on the supposition that the main lines of the scheme as sketched are settled facts, and that details alone were open to criticism and consideration. He has thought it best to submit his own opinion to the Government of India in the form of a Note which affords him somewhat greater latitude for expressing his personal views than the more conventional form of an official letter.

6. In forwarding a copy of this note for the consideration of the Government of India, I am to express regret that it was not found possible to reply sooner to your letter of August 1907.

I have the honour to be,

Sir,

Your most obedient Servant,

F. S. A. SLOCOCK,

Chief Secretary.

Note on the Government of India's proposals regarding Legislative and Advisory Councils.

I.—General Principles.

The statement of the case for an advance in the direction of satisfying the constitutional requirements of the Indian Empire contained in the first three paragraphs of Sir Harold Stuart's letter is one which must meet with general acceptance. It is recognized on all sides that the people of India should be given wider opportunities of expressing their views on administrative matters. It is also expedient that correct information on public affairs should be more widely diffused. So far all is concord. The Government recognize the essentia justice of the claim that is put forward by the articulate section of the people that they should be given a more effective voice in shaping public policy.

2. When it comes, however, to determining the precise step forward in the desired direction that should be taken, there has arisen a great diversity in opinion. But amongst those who have proceeded beyond the mere criticism of minor details in the scheme sketched by the Government of India there stands revealed a strong feeling against the inclusion of the Rulers of Native States in a general Imperial Council, a doubt whether the aristocracy represented by territorial magnates will command the confidence of the people, and a very strong feeling that the proposals are intended to check the predominance and the rising aspirations of the educated classes; while a strong preference has been expressed for the extension of elective principles. The doctrine of counterpoise, and the introduction of a machinery to secure class representation, are condemned, and the whole scheme of the Government of India is unjustly held up as a piece of political eye-wash, intended, while it proffers the substance, to give only the shadow, and designed to rally to the cause of autocratic government those aristocratic elements of society which may best assist in combating the democratic tendencies of the educated classes. These views are expressed in many different tones and with many variations according to the sobriety or intemperance of the writer, but whether they are clothed in a covering of respectful language, or are asseverated in all their bare nakedness, they are present.

3. Before the proposals and the opinions regarding them are examined in any detail, it seems worth while to probe below the surface with intent to see why current opinions have followed the line that they have taken. In countries where the people have gradually attained to a state of constitutional government by their own efforts, and by acquiring that sense of responsibility which is essential to all good government, the advance has been made by very slow and well-marked stages. These stages which may have taken centuries to develop, have always come from within, and by evolution. Each new stratum of society which has begun to take a part in the work of government has done so as a natural consequence of its increasing inherent fitness to essay the task. Revolutionary movements started in one country have been imitated by others, particularly in more modern times, but in the absence of inherent fitness in the people the movement has been still-born.

4. In the British Indian Empire of to-day the natural evolutionary process has been entirely upset by the introduction of an exotic government. The peoples of India had themselves not yet emerged from the early stage in which absolute despotism was only kept in check by the action of individuals, whether powerful nobles, or usurping favourites, or military commanders; they had not even reached the stage at which the nobles as a body combine to wring concessions from the authority of a too absolute monarchy. If in any part, or at any time, some advance was ever made towards the evolutionary process of government by the people, such embryo movements were always swept away and obliterated by the intervention of a more powerful potentate, so that no form of constitutional government was ever able to take root. What would

have happened amidst the conflict of States in India if the British Government had not intervened and no European Power had taken its place it is idle to speculate; but at any rate the intervention of the British Government stayed all evolution that might have occurred on indigenous lines, and, introducing a new civilization of its own, started fresh processes at work which took their shape from British and not from indigenous inspiration. Education began to supplant birth as the basis of authority. The great landed nobility, their powers held in check by British law, instead of rising in the scale ahead of the middle class, lagged behind; while the literate section of the middle classes, at first seizing upon education as a means of earning a livelihood for which they had formerly depended solely upon patronage, began to be infused with democratic ideas. The result has been that the Indian literate classes have jumped a whole grade in the process of evolution over the heads of the upper classes, who had not the incentive to seek education as a means of livelihood, and have only just begun, to a limited extent, to seek it for its own sake.

5. The problem with which the Government is now confronted is how to reconcile the growing claims of the educated minority with the backward condition of the upper classes in any scheme of enlarged consultation with the people that it desires to introduce. Can it now stay the purely educationary evolution which it has started by an attempt artificially to restore the aristocracy to the position in the scale which they should occupy, but which actually they do not fill? Can it hope to satisfy the claims of the educated section of the people for enlarged powers in affairs of administration by attempting to give more weight and power in the land to a class which have never put forward such a demand? A common criticism of the Government of India's scheme that appears in the public press, and is also stated in the papers which accompany this Note, is that the Government, who have by a long course of legislation endeavoured to check the arbitrary exercise of power by the landlords, great and small, of the country, is now seeking to invest these same classes with an importance and an authority of which their own legislation has pronounced them to be unworthy. It is not easy for the Government to escape entirely from these questions and from this criticism in so far as the idea of the aristocracy as such being set to check the literate classes as such can be read into the intentions of the Government scheme. It does not, however, in Sir H. Stuart's letter confess to the accuracy of this statement of the case, for in the second paragraph of that letter the claim of the Rulers of Native States and of the territorial magnates to have the most important share in the new scheme is based specifically upon the statement that these classes have as a matter of fact begun to take advantage of education, and have fitted themselves to take a more active part in the conduct of public affairs. It is upon education that the whole case for extended Councils is based. Were it not so, the case for giving enlarged influence to the landed classes would be no stronger now than it was twenty years ago, indeed it would be weaker, since those classes have admittedly lost some of their former hereditary predominance.

6. The contention, so far as it is true, that the landed aristocracy have begun to acquire education, and thus to fit themselves for making their opinion valuable, must, as things are now, constitute their chief claim to representation. If in any Province or part of India the aristocratic class continue to be so backward that they do not command public confidence, or are incapable of giving an opinion of value outside their own purely local interests, the policy should be to encourage them to educate themselves, and not to confer upon them duties or dignities for which they are unfitted. All that should be done in the direction of securing representation is to provide for the representation of local areas, local bodies, or any other form of constituency, on which the members of these classes will, *if they are fit*, stand every chance of being selected, and not to force into the Councils men who are not fit simply in order to secure class representation. It is claimed by the critics of the Government of India's proposal that many great landholders have been among those elected to the Legislative Councils, and that nothing has occurred in the past to warrant the opinion that educated members of these classes will not be chosen by an educated electorate. In the Central Provinces we have had very little opportunity of testing this assertion, but the

only instance on record supports it. In the only instance in which the local bodies of the Province were given an opportunity of selecting a member for the Imperial Legislative Council, two Divisions put forward landholders, one a member of the commercial classes who was also a large holder of land, and only one a lawyer, and this was a Division in which there was absolutely no suitable candidate of the landholding classes proper. The large landowners still carry great weight and influence in their local areas, and those of them who add a fair education to their qualifications should certainly be able to hold their own with the professional classes.

7. I must confess that I fail to see any danger in creating constituencies partly on the basis of territorial distinctions, and such elective powers as are given should be free and unhampered by class restrictions. In all constituencies in which the electorate are composed of Local Board members the landed interests are certain to be strongly represented, and even in Municipal constituencies, wherever landed proprietors are prominent members of Municipal bodies, they will stand a good chance of election. Where local non-political bodies or influential associations exist they may be given representation on Councils, but I do not think it advisable to create constituencies made of artificial electorates with no common tie but that of creed or occupation, corresponding to no local area and belonging to no organized association already in existence. It would in my judgment be better to leave such elective powers as may be thought suitable, to be exercised according to the inclination of the elective bodies, *e.g.*, Local Boards, Municipalities, Associations, etc., and not to anticipate that lawyers and schoolmasters will oust the landholding classes, or that constituencies which are mainly Hindu will not return Muhammadans. If any classes are found not to be adequately represented among the elected members, the deficiency can be made good by nomination. Whatever kind of Council is decided upon, at least half, and probably more than half, the seats should be filled up by nomination. This expedient is absolutely necessary in India for various reasons, first because important minorities should be represented if election should fail to include representatives of these minorities; secondly, because there are, and will for long continue to be, many excellent men among the community who would shrink from the worry and trouble of canvassing, and from the disgrace of possible defeat; and, thirdly, because the number of likely and fit representatives are often concentrated in local areas which would not be entitled under any elective system to return more than one or two out of a large number of qualified men. In every Council, then, there should be certain *ex-officio* members, and the balance should be made up of nominated and elected members in such proportion as is necessary to secure the authority of the Government.

8. On the general question, then, the recommendations I would make are :—

(i) To allow the educated classes their full share of representation, and not to limit the choice of such electorates by restrictions of class, creed, or profession.

(ii) Not to create electorates *ad hoc*, but to recognize influential bodies or associations which have been formed for non-political purposes and are sufficiently important to warrant recognition.

(iii) To make up deficiencies in class representations by nomination with reference to the actual results of election and not in anticipation of them.

9. Under these recommendations, if there exist important representative associations of landholders, or Muhammadans, or of commerce, they would be able to return members. If there were none such, it would be an indication that these classes were not sufficiently advanced or sufficiently important to take concerted action in their own interest; and the classes concerned would then, if not adequately represented among the elected members of local bodies, be given representation by the selection and nomination by Government of individuals who were fitted to serve on a Council, if any such were available.

10. I pass next to consider the detailed proposals of the Government of India, and would only add here that all persons, elected or nominated to a Council, should be sworn in before taking their seats, and should take an oath of allegiance in whatsoever form might seem appropriate, to His Majesty the King-Emperor, and of obedience to His Majesty's Indian Government as established by law in British India.

II. The general proposals of the Government of India for Advisory Councils in India.

(a).—*Imperial Advisory Council.*

11. It is not without some hesitation that I approach the general proposals for India, when my own experience is limited to the Central Provinces; but besides the criticisms received locally, I have had an opportunity of seeing the representation of the Bombay Presidency Association, as well as various comments and representations which have appeared from time to time in the Public Press. The memorandum submitted by the Bombay Presidency Association, and the note by Rao Bahadur R. N. Mudholkar, which purports to represent the views of the leading members of the Central Provinces Provincial Conferences, afford, I consider, a very fair and temperately worded criticism of the proposals as they strike the advanced but sober section of the educated classes.

12. The first point taken is that an Imperial Council to consist partly of Ruling Chiefs and partly of territorial magnates is an unequal combination and will not truly represent the interests of British India. I feel myself that there is much weight in this contention. There is absolutely no reason why the Viceroy should not summon for consultation those among the enlightened rulers of Native States whose advice he desires; but the advice tendered should relate, not to questions of domestic policy affecting British India, but to large questions of imperial policy affecting the Empire at large, or to questions touching the interests of particular Rulers, or Rulers as a class. At any rate the sitting together in a single Council of the great Feudatories with landholders who are merely subjects would not in my opinion be conducive of good. There could be no logic or sense in allowing those of the Council who are Ruling Chiefs to give their opinion about domestic affairs in British India, while refusing to allow the rest of the Council to advise upon matters relating to the Feudatories. There should be reciprocity in this matter if a single Imperial Council is thus composed. But who can doubt that the Rulers of the Native States would resent the intrusion of the rest of the Council in affairs affecting the States? Let there be an Imperial Council by all means, but let it be a Council of Chiefs and confined to Chiefs.

13. For the rest, I find it difficult to see exactly what functions would be discharged by the Imperial Advisory Council as sketched in the Government of India's letter. What purpose would it serve which could not equally be served by a Legislative Council enlarged and remodelled? If the object desired is to consult the better mind of India, then the measures to be taken are to see that the better mind is represented in the Legislative Council. What is the good of enlarging and remodelling the Legislative Councils, if in the end the enlarged and remodelled Councils do not contain the better mind of India? Surely in the Council that is to assist in making the laws of India the better mind of India should be an essential component? If the better mind of India is capable of being represented at all, it is as capable of being represented in a Legislative Council as in an Advisory Council. It is not possible to judge from the correspondence exactly what use would be made of the proposed Imperial Council, what questions would be referred to it as a whole or to its members singly. But it would have no powers of initiative, no power to pass resolutions, its opinions could be published or not published, its proceedings would be confidential and its advice could be taken or ignored. It would have no power and consequently could feel no responsibility; it meets no demand that has been made by the classes who would have seats upon it, while it does not satisfy the claims, just or unjust, of the educated classes who at present make their voices heard. Moreover, matters submitted for the decision of the Government of India, when they relate to questions of policy, will always have

been examined by the Local Governments, aided as they are or will be by their own Legislative or Advisory Councils; they can be submitted if necessary by the Government of India to the Imperial Legislative Council, and it does not appear to be clear what remaining opinions of value the Government of India will expect to find from their Imperial Advisory Council to enable them to decide to support or override to opinions they have obtained from all these other sources open to them.

14. It seems to my judgment to be far better that Government should ask the desired advisory help from an enlarged Legislative Council than that it should create for this purpose a new and anomalous body which has no connection with, and is in no sense an offshoot of, existing institutions. If the infrequency of meetings, and defects in the system of interpellations, or in the form of discussion of the Budget have caused the present Legislative Councils to fall short of the objects which they were intended to serve, there would seem to be no guarantee that the proposed Imperial Council will fulfil these objects any better. Are their members likely to explain to the people the objects and motives of Government any more effectively than the additional members of Councils now do? The dissemination among the masses of the people of the true scope and objects of Government measures is not to be sought from Imperial conclaves. The forty odd members of the Imperial Council would be lost over the length and breadth of the Indian continent. The correction of misstatements and the removal of erroneous impressions, if they are to reach the masses of the people, must reach them through those who can make their voices heard at street corners and market places, the very same places where lies and calumnies are now disseminated by ignorant fanatics or by evil mischief-mongers. If lies and slanders of this kind are to be counteracted, it will be by the humbler agency of District and Local Board members, by the influence of trusted district officers and loyal Indian officials, and, last but not least, by the innate worth of the measures themselves.

15. If the Government are so minded, let them confer the title of Imperial Councillor upon prominent men in the Imperial and Provincial Legislative Councils who have shown themselves men of ability, loyalty and unswerving rectitude and public spirit. The title would be an honorific one retained for life, but the men who attained the honour would be available to be called together in an emergency. Such a title should not be bestowed as a mere mark of social distinction, but as an acknowledgment of true and faithful service to the country rendered by the individual as a member of Council or in the service of the State. In this way there would be a body of men in the country of tried worth and experience; not a body to be called together for desultory consultation, or representing only a single class or interest in the State, but capable of being summoned if required, and representing all Provinces, creeds and interests.

(b) *Provincial Advisory Councils.*

16. In Provinces where a Legislative Council already exists it seems to me that the arguments against creating a second and differently constituted Council apply with equal force. If it is expedient that the Provincial Government should have a Council to consult at other times than at Budget discussions or when legislation is on the anvil, it is better to enlarge or remodel the Legislative Council than to frame a new one without any powers or authority. If infrequency of meetings has marred the usefulness of the Legislative Council, this can surely be better remedied by extending to it advisory functions and bringing it together more often, than by constituting a new body which may never meet as a body at all. If the existing Legislative Council is not fully representative of all the interests that it should represent, it should be widened to include those interests. In Provinces where there is no Legislative Council, the case for an Advisory Council stands on quite a different footing, and I shall discuss this presently when I come to discuss the way in which the Central Provinces are affected by the Government of India's scheme.

III.—LEGISLATIVE COUNCILS.

17. I now turn to the constitution of Legislative Councils, and this part of the subject I shall pass over more quickly, as in this Province our experience of Legislative Councils is confined to what we read in Gazettes and newspapers of the proceedings of such bodies in other parts of India.

18. In the first place the proposal to withdraw twenty officials from their duties to serve on the Imperial Council must be viewed with much concern by the various Local Governments. The withdrawal of senior officers cannot but be embarrassing. Retirements after twenty-five years' service have become more common of recent years, and officers of seniority are frequently compelled to take long leave on the ground of ill-health. If to these vacancies in the senior ranks be added vacancies caused by the appointment of senior officers to serve on Councils, there will certainly be serious difficulty experinced in filling the higher appointments.

19. The selection of a Ruling Chief is thought inexpedient by some but there is obviously not the same objection to a single Ruling Chief finding a place on the Council of the Governor-General as there is to a Council of Chiefs giving advice on the domestic policy of British India.

20. Under elected members, head D (*a*), it seems probable that other Chambers of Commerce may put forward a claim to a representative, and possibly this might be secured by rotation. Under D (*b*) I would add a member for the Central Provinces and Berar, regarding whose election I will refer later on in this Note.

21. Under D (*c*) there arises a crux as to the method of election. A scattered electorate is difficult to devise, and it is on all sides urged that a revenue test is a bad one. The electorate in the Central Provinces on the basis of qualification by the payment of, or assessment to, a revenue of Rs. 5,000 and over would consist of about 150 persons. This electorate would in these Provinces include many money-lenders and persons of non-agricultural origin who had amassed landed property in scattered villages or scattered properties by means of money-lending, and would exclude many ancient families. It would include numbers of backward proprietors unfit to manage their own estates, and exclude some promising men of smaller means but greater intelligence. If a method of election is to be followed in respect of these classes, it is suggested that the various District Darbaris should constitute the electorate. The admission to a seat in Darbar is prized, and the privilege is conferred in consideration of birth and status combined, and in my opinion there could be no better means of welding the old with the new than of making the Darbar lists the foundation of selection, election or nomination, as the case might be, for the land-holding class. It is true that persons of other classes find a place on the Darbar lists. But it would be possible to insist upon the holding of land as a qualification for election by these bodies, or on the other hand if they felt that none of this class proper was so fit to exert himself for their interests as some one else of another class, this limitation might be waived. In several cases, for instance, sons of old landed proprietors have adopted the law as a profession, while on the other hand not a few lawyers have invested in landed property, not as an incident of money-lending merely, but as a means of dignity and profit. Such men have also acquired a stake in the country, and need not necessarily be excluded merely because they have adopted the law as a profession. On the whole, however, I am of opinion that, as a beginning at all events, it would be preferable for the representative to be nominated by the Head of the Administration out of candidates selected from the various District or Divisional Darbaris.

22. Under D (*d*) I would not create any electorate, a matter of much difficulty over a Province at large. The chief representative associations of Muhammadans might be invited to select candidates for the Council, out of which the Viceroy would nominate on the advice of the Local Governments concerned.

23. Under E the number of nominations must depend upon the decision in regard to the number of officials nominated under B. The inconvenience of taking away from their duties so many as twenty officers of Government has already been pointed out. There are three alternatives :—

(i) To reduce the non-official representation so as to preserve the official majority without withdrawing officers from their duties to any inconvenient extent.

(ii) To reduce the number of official members, give up the idea of a permanent Government majority, and trust to the good sense of the new non-official council to accord to the Government all the reasonable support that it requires.

(iii) To maintain the supremacy of Government in the enlarged council by introducing into its constitution a device by which something more than a simple numerical majority will be required to defeat the Government, or render it impotent to carry out measures which it considers to be of vital importance.

Of these alternatives the first may be dismissed at once. It defeats the object with which the original proposals were framed, namely, to give extended representation to Indians in the Indian Councils.

24. The second and third alternatives may fitly be considered together. Is it necessary, or is it not, to ensure the supremacy of the Government? There are some who contend that if the Councils have been filled by representative men of the right kind it may be safely assumed that they will support the Government in all emergencies and upon all matters of vital importance; and that if they are unanimously against the Government on any measure, that measure has most probably very little to be said in its favour, and should certainly be dropped. I am not of this opinion. Though I feel no doubt that there will be matters upon which the Government should be guided by, and should yield to, a solid non-official vote, I am equally convinced that there are also many matters in which the surrender of the power of Government even to a solid non-official majority would be unsafe. Though, as my proposals will show, I would concede to the non-officials on the Council extended opportunities for discussion, increased facility for ascertaining from the Government the grounds of its actions, and even a limited power of moving resolutions, I do not propose to hand over to the Council with a non-official majority the control over the Government or the power to dictate its policy. It may be that the time will come when the control of the Government can be limited to the power of veto of the Viceroy so rarely exercised that its existence may be almost forgotten, but that time has not yet come, and there are no signs that it is at hand. In fact the indications of recent years point more to the likelihood of the formation of a non-official opposition than to a greater desire to comprehend and support the Government. The new councils will be to a large extent on probation; it is impossible to assert with assurance to which side they will incline. But as long as the British Government undertakes to rule the Indian continent it cannot risk being in a permanent minority on its own councils. I turn then to the third alternative, the constitutional device by which something more than a bare numerical majority will be required to defeat the Government. In the constitution of the United States it is provided that the veto of the President can be overborne only by a majority of two-thirds of both Houses; and this precedent suggests a possible method for adoption in the case of the proposed councils. It might be provided that a measure or motion opposed by the Government should not be carried except by a majority of two-thirds of the Council. This is in itself a reasonable enough suggestion, but in effect it will only confer on the Government a power of veto upon proposed legislation or other measures of which it strongly disapproves. It will not enable it to carry through any positive legislation, and it might therefore paralyse its authority and result in a deadlock. Though the non-official majority would be unable to compel Government to adopt a measure against its will, the Government would similarly be unable to carry through a measure which it considered of great importance. It is evident therefore that this suggestion will not meet the case. I have therefore been compelled to fall back upon another (suggested to me by the Commissioner of Jubbulpore), that each official vote should carry a double value, and this is the device that I recommend for adoption. I am well aware that this device will evoke much adverse criticism. It is invidious, it is opposed to liberal principles, it is derogatory to the non-official members. All these are phrases which are concessions to sentiment, the sentiment of those who shut their eyes to the meaning of British rule in India. It is idle to seek for precedents in the constitutions of self-governing countries. India is not a self-governing

country, India is governed by the British, and the British must have the supremacy in the Councils. It is for the Indian members to advise, to persuade. to discuss, to point out difficulties and objections, but the decision must rest with the Government. Once this is insisted upon, surely the Indians themselves will prefer a numerical majority and an extended representation to a numerical inferiority and contracted representation. It may be that the Government of India can provide as many as twenty official members without detriment to the general administration. But it would be poor statesmanship not to look ahead. Perhaps twenty or thirty years hence, when the landed classes have absorbed education, when industries have developed, when the students of our universities have increased to tenfold their present numbers, there will be a demand for further and more extensive representation; and it may be as necessary then, possibly even more necessary, to maintain the supremacy of the Government in its councils. The twenty official members now required may have increased to forty, and from whence will these be drawn? It will then be far more difficult to introduce into the constitution such a device as I now recommend. If, on the other hand, this provision for maintaining the supeme authority of the Government has been proved by actual experience to be unnecessary, what could be easier than to drop it? Nor can it be said that there is anything grotesque in assigning a greater value to the opinion of tried administrators of long service and proved ability, trained in the principles and practice of Government. If the Indian representatives are as a body equally fit, equally experienced, equally resourceful, then the case for the continuance of the British Government disappears. And surely, again, it is more dignified to confine the official membership of the Council to officers of long service and tried capacity rather than to pack it with a number of officials who must be markedly junior in status and service to the officers selected to be the Executive Councillors of the Indian Government, and whose dependence for their future promotion will always be thrown in their teeth as the true cause for the votes they will record. The official additional members of council should be men of a status as near as possible to that of their official colleagues of the Executive Council, and they must necessarily be few in number. To give them even a double vote is more in consonance with the dignity of the Council and the influence which rightly belongs to its members, than to fill up the ranks of the Government members with men of inferior experience. shorter service, and untried capacity. It is for these reasons that I strongly oppose the filling up of the Councils with a large number of Government officers, and that I recommend that the supremacy of the Government in its councils should be secured by conferring a double value to each official vote. While, however, I think that this device is essential to the scheme of enlarged councils, I would include with it a recommendation that the Viceroy should be given the power to suspend, whenever he thought fit, the double vote rule. In this device conjoined with the power to suspend the rule I discern a method of giving administrative responsibility to the non-officials on the Council which can be secured in no other way. There may often be occasions on which the Government will feel that the non-official and particularly the Indian vote is of special value, and in all such cases the suspension of the rule will place the decision of a measure within the power of the non-official members. Again, if experience shows that the non-official representatives are not determining their attitude towards Government measures on the lines of an opposition pledged to oppose every proposal made by the Government, the exercise of this power to suspend the double vote rule would become of more frequent occurrence, until the rule itself fell into desuetude. I can think of no better method by which the constitution could be almost automatically adjusted so as to give increasing responsibility and power to the Indian representatives on the Council according as they displayed in an increasing degree qualities of reasonableness, sobriety of character and judgment, and statesmanlike breadth of view. The relaxation of official control would be in their own hands; and the conferral of greater powers and responsibilities could be achieved without any resort to Act of Parliament, without any protracted discussion over the length and breadth of the country, without any dangerous innovation in the constitution of the Empire, but slowly and by degrees and in gradual response to the increased fitness of the country's own representatives to bear the burden of Government; so that if the day came in which India had qualified herself to

become a self-governing member of the British Empire, she would glide into that position almost imperceptibly; new birth without the pains of labour.

25. The following would then be the constitution of the new Council according as the official supremacy was ensured by numerical superiority or by giving two values to each official vote :—

	Under numerical superiority scheme.	Under double-vote scheme.
A.—*Ex-officio*	8	8
B.—Additional officials	20	8
C.—A Ruling Chief	1	1
D.—(1) Elected by—		
(*a*) Chambers of Commerce ...	3	3
(*b*) Non-official members of Councils, including electors from the Central Provinces and Berar	8	8
(2) Nominated from selections made by—		
(*a*) Nobles and great land-holders...	7	7
(*b*) Muhammadan Associations ...	2	2
E.—Nominated from selections made by Local Governments or recognized associations	3	6
F.—Experts	2	2
Total ...	54	45

Under the first of these proposals there would be 28 official to 26 non-official members; under the second scheme there would be 16 to 29, the majority on a division being 32 to 29, or if one official member were absent 30 to 29. There is, however, no real risk in these narrow majorities, for the circumstances must be very rare in which the Government would be opposed in any vital matter both by all three members representing Chambers of Commerce as well as by the experts. However novel, however invidious may appear the second method of the double vote, it contains in it, I earnestly represent, the germs of the solution of a problem which is probably the most difficult one that the Empire has had and will have to face.

26. I do not think it necessary to attempt any suggestions regarding Provincial Legislative Councils, but *mutatis mutandis* I think that the considerations which have been urged above apply with equal force to them also.

IV.—The proposals as they relate to the Central Provinces and Berar.

27. I now turn to the consideration of the proposals as affecting the Central Provinces and Berar. Advanced opinion in the Central Provinces has for some time advocated the elevation of the Central Provinces and Berar into a Lieutenant-Governorship, with the concomitant dignities of a Provincial Legislative Council and a Chief Court. How far the advocates of these measures desire the first step merely as a means to which the two latter steps are an end I am not prepared to say. There has undoubtedly begun to spring up among the people a sort of Provincial patriotism and a desire to claim importance for the Local Government under which they live. But I should say that the two latter steps are the matters on which they would lay most stress, the first because it would open a field of activity to the non-officials interested in public affairs, and the second because the lawyers would very naturally and reasonably desire to see a possible dignity opened to them in the shape of elevation to the Bench of a Chief Court. Bearing in mind the fact that the Provinces are still much poorer than their neighbours, and that even if their revenues increase there are many more urgent and important matters of public advantage to which funds could be devoted, I am of opinion that the time is yet distant at which the elevation of the Administration into a Local Government, with the attendant increased expenditure involved, can be regarded as a matter of pressing importance. Similarly, the creation of a Chief Court is not an urgent

reform. A Second Additional Judicial Commissioner has only just been sanctioned, and until the increase of work has proved as least five judges to be necessary, the constitution of a Chief Court may be put out of consideration. Nor, as far as I can see, need there be any connection between the elevation of the Administration to the rank of a Local Government and the creation of a Chief Court. It cannot matter to the Chief Court whether the local head of the Executive Government is called a Chief Commissioner or a Lieutenant-Governor. Again, there is no absolute bar to legislation enabling an Administration to be assisted by a Legislative Council, if the latter were considered to be expedient. But for the present I think that none of these three requests of the Provincial Conferences require to be granted. Let the resources of the Provinces increase yet more; let its educational institutions grow in importance until it can support its own university; let its industrial and commercial progress continue for a little until it can afford its own Chief Courts, and point to its own Chamber of Commerce; let railways, irrigation, the improvement of its agriculture and the exploitation of its mineral resources raise its gross revenue to at least 3½ crores of rupees per annum, and then all these things may be added to it. At present they would be costly luxuries.

28. But while I think that the Province can progress with tolerable satisfaction until it qualifies for the dignity of elevation, I fully realize that the Head of the Administration will need, and the people of the Province may claim to give, the assistant and support of public expression of views on public affairs in a manner which, if not so complete or defined as in the larger and more important Provinces, will approach as nearly to that standard as the lower status of the Province may justify. While therefore I regard a Provincial Advisory Council as an unnecessary duplication, and something of an anachronism in the case of the senior Provinces which enjoythe advantages of Legislative Councils of their own, I regard it in the Central Provinces as a possible valuable aid to the Administration, and a most convenient and important stepping stone to the ultimate elevation of the Province and its provision with the ampler dignities that attach to a Local Government. Such a Council, though not established under the statutes which govern Legislative Councils, should in my opinion conform as nearly as possible to the legislative model, so that when in due course the time came for a change the transition would be a simple one.

29. In conformity with the general principles which I have endeavoured to formulate in this Note, I would not attempt to form artificial electorates, but would make full use of the local bodies now in existence. It would be in my opinion unwise to start on any other basis. local self-government may not have been the success that was expected when it was instituted; but the success of a new institution of this kind can never be judged on the experience of a single generation. The space of twenty-five years is a mere nothing compared with centuries of despotic rule, and though even under the most despotic rule local affairs were left to the people to manage (not from any special design, but simply because they did not interest the powers above), the training thus afforded never extended beyond village affairs, the village well or tank, or whatever represents in India the equivalent of the parish pump. There was no training outside the village unit, and even where there were hereditary pargana officers, these were concerned with revenue and police administration rather than local self-government. The attempt at administration through Boards and Municipalities has had but a limited time in which to show its possibilities. That it has not succeeded better has not been entirely and in every case due to the failure of the people concerned; want of funds to supply an efficient executive staff has been an important factor in this comparative want of success. Even so, the system has brought to the front a few individual members who have shown capacity and public spirit. This is all that can be expected in a single generation. As the work to be done increases in interest in response to enlarged resources and a better paid and bette qualified executive staff, the number of men who will evince more energy and interest in public affairs is bound to increase also. It would therefore be a great mistake in building the superstructure to abandon the foundation already laid. It is on the foundation of local self-government that the superstructure of an

Advisory Council should be raised; but just as in the local bodies themselves nomination must be combined with election if some of the best men are not to be excluded, so in the case of an Advisory Council it would not be well to depend for support only on elective pillars. Having obtained by election representatives of Local Boards and large Municipalities as well as of recognized associations, such as Anjumans and Sabhas, if any should be found to merit the distinction, it would be necessary for the Administration to decide, what important interests were left without representation among the elected members and to make good the deficiencies by nomination.

30. If these proposals meet with the approval of the Government of India, the constitution of the Advisory Council would be worked out in detail, but it might be approximately as follows :—

(i) By election.

The District Councils or Boards of each Division should elect one representative each, Berar being given two.	6
Towns over 50,000 should elect one representative each . .	2
Total elected members .	8

(ii) By nomination.

To represent the commercial classes including interests such as the mills, mining industry, and general trade and banking.	2
To represent classes not adequately represented by two elected members.	4
Total nominated members .	6

(iii) Ex-officio members.

Chief Commissioners	1
Financial Commissioner	1
Two Commissioners of Divisions	2
Two Secretaries	2
Director of Public Instruction	1
Government Advocate	1
Two Heads of Departments to be selected from time to time .	2
One member of the Provincial service	1
Total .	11

The total Council would thus consist of 25 members, including the Chief Commissioner. As the functions of the Council would be advisory only, there would be no instant need for a procedure to secure an official majority, but inasmuch as some day or other it would most probably be converted into a Legislative Council, and as there would be many occasions on which matters could usefully be put to the vote it would be as well to lay down at the outset that each official vote should count as two on a division. The Council would consider the Budget, be given the right of interpellation, be permitted to examine all projected legislation relating to the Central Provinces and Berar, and be consulted both as a body and by means of special committees on any questions of importance upon which the Administration might desire their advice.

31. But there is one very important matter to be considered, *i.e.*, whether a limited power of calling attention to specific evils and of moving a resolution thereon, or of proposing amendments to Government proposals should not be conceded. I am of opinion that if sufficient notice was given, and permission was required which could be refused if considered proper by the Head of the Administration, no harm could result from occasional discussions of this kind enabling the Government to explain its policy. I am aware of course that this concession cannot very well be made to an Advisory Council in the Central Provinces if it is denied to Councils in other parts of India; but I am of opinion that such a power under due restrictions would be of great advantage. It would considerably relieve the pressure of Budget debates by spreading over other seasons of the year discussions on current questions of interest; and it would be regarded

as a real concession by the classes interested in public affairs, who complain that they are allowed no initiative of any kind in the Council's proceedings. Such resolutions would not of course bind the Government to action any more than resolutions in the House of Commons bind the Government of the day to give immediate effect to them. But the privilege would be appreciated and I should be prepared to try the experiment in the Central Provinces.

32. The Council might meet three times a year, preferably in February or March in connection with the Budget, and in July and November, special meetings being called if legislative proposals affecting the Provinces were under consideration, or for other reasons. The Council would have no legislative powers, but could consider and make proposals to amend proposed legislation which the Administration was submitting to the Government of India, and the fact that these Bills had been considered by the Advisory Council would tend to reduce the labour required on them when they come before the Government of India.

33. I now turn to the representation of the Central Provinces in the Imperial Legislative Council which was referred to in paragraph 20. Having no legislative powers of its own, the Central Provinces and Berar should have two representatives on the Imperial Legislative Council, one elected by the elected members of the Advisory Council, and one nominated by the Chief Commissioner on behalf of the landed interests of the Province, if the elected member did not represent them. The member elected need not be an elected member of the Advisory Council himself. There is a very strong body of opinion in the Provinces that they should enjoy the right to elect one member to the Imperial Council, and since the amalgamation of Berar, the combined Provinces represent a proportional interest with reference to the whole of British India which cannot be exactly measured by the population test alone. Although they do not equal in importance the larger Provinces returning two members, yet the fact that they have no Legislative Council of their own should turn the scale in favour of a second a representative. I earnestly trust that this proposal will be favourably considered by the Government of India.

34. There remains the question of the legislation required if these proposals for an Advisory Council for the Central Provinces and Berar meet with approval. If there is any necessity for legislation at all it should be confined to legislation empowering the Governor-General in Council to make regulations for the establishment of such a Council and its constitution, and empowering the Administration to make rules and regulations, subject to the approval of the Governor-General in Council, for the conduct of its business. But I see no great harm in allowing the Council and its functions to be decided by executive instructions. As the Council would have no legislative powers and would merely be a consultative assembly, its proceedings could not come into conflict with any existing law, and the matter being such a novel one it would be best to proceed on flexible lines. If in course of years the province were to be given a Legislative Council of its own, the need for special legislation would disappear.

V.—Summary and General Remarks.

35. To sum up the recommendations contained in this note, I have urged :—

(i) That if Ruling Chiefs are summoned into an Imperial Council, it should be a Council of Chiefs only.

(ii) That an Imperial Advisory Council is not required, but that the title of Imperial Councillor might be conferred for life in recognition of very special merit or for meritorious public work whether rendered by an official in the public service or by a non-official on Imperial or Provincial Councils. The men so distinguished would have no corporate existence as a body, but could be summoned together in an emergency.

(iii) That no Provincial Advisory Councils are required in Provinces which have a Legislative Council, but that in the Central Provinces and Berar such a Council should be formed, being modelled on the same plan as Legislative Councils elsewhere but possessing only advisory powers.

(iv) That the supremacy of the Government must be secured either by the nomination of sufficient officials, or, preferably, by giving double value to an official vote for the purpose of a division, so as to avoid the administrative inconvenience of removing too many officers from their duties without at the same time curtailing the numerical strength of the non-official representation.

(v) That the structure of the Council should be built upon the foundations of local self-government already laid, and that the representation of special interests should be attained either through the selection of nominees of important representative associations or through Darbaris, or by direct nomination.

(vi) That the prescription of artificial class electorates created *ad hoc* would not only be beset with much difficulty in execution but would be inexpedient ;

(vii) That election within the limits conceded should be unhampered by restrictions, and should be allowed to be exercised freely by those educationally fitted ;

(viii) That nomination should be used to make good deficient representation as the result of the elections and not in anticipation of the probable class of representatives returned ;

(ix) That members of Council should be allowed, with previous permission in each case, to move resolutions on important subjects ;

(x) That all members of Council should be sworn in, by taking an oath of allegiance to the King-Emperor, and of obedience to His Majesty's Government in India as constituted by law ;

(xi) That the Central Provinces and Berar should be allowed two members on the Imperial Legislative Council—one elected and one nominated ;

(xii) That the Advisory Council for the Central Provinces and Berar should be constituted, and its business regulated, by executive instructions and rules.

36. I am aware that these proposals are open to two kinds of criticism. The first is that they are not a fair modification of the Government of India's scheme, but merely set up a totally different alternative, and are out of order on the present reference. To this I would reply that though they differ materially in method they arrive at the same conclusion and are designed to secure the same objects and to recognize the same principles that are laid down in the first three paragraphs of the Governmet of India's letter. There can be no doubt that the proposals of the Government have been subjected to much destructive criticism in the public press, and that owing to the form in which they have been explained they have aroused the suspicion that they are intended to cover, or will have the effect of covering, under the guise of concessions, an extension of the policy of divide and rule. That this imputation is unjust, and that the eminent authorities who launched the scheme are incapable of such sinister and disingenuous designs, does not carry the weight it deserves with many critics. What is required, then, is not a mere statement of objections to the Government of India's proposals, or a mere dissection of the *pros* and *cons*, but a substantive constructive scheme, if one be possible, which while meeting most of the critical objections, will yet serve to secure the ends that the Government of India have in view. In the scheme put forward in this Note I have endeavoured, though doubtless very imperfectly, to comply with those requirements.

It will be urged, however, against these proposals that they put in far too prominent a position the interests of those limited classes who make their voices heard, and accord far too little weight to the interests of those millions who are voiceless. It will be contended that the proposals of the Government of India were designed not only to give these unrepresented classes a chance of placing their views and their grievances before the Government, but also to give the Government the benefit and advantage of their advice; that it is most essential that these people should feel that the Government have their interests at heart and that they have their chance of expressing an opinion upon the measures or policy which affect their well-being; and that the Government should know how their measures will effect the people before they are introduced. The desirability of these aims is beyond question. It is the best means of attaining them that causes so much controversy. The opinions of the unlettered classes who make up the great majority of our subjects can only be ascertained in two ways, through educated representatives in the Council Chamber and by direct consultation in the district officer's camp. In the scheme which I have put forward one-third of the total members will be nominated, and one-fourth elected; and if the elected members do not represent the various interests concerned then it will surely be possible to remedy the deficiencies by nomination. If a Council so constituted cannot be made to represent the required interests, it will be because it is not possible to represent them in any Imperial conclave. If the masses are to be consulted, the scene of consultation must be shifted to the district, where the preliminary spade work of ascertaining the views and feelings of the people has always to be carried out. A large measure viewed as a whole is always beyond the comprehension of the man in the country, but he is able to discuss particular provisions of a new law which most affect his interests, and often to give a shrewd opinion upon their bearing on his daily life. Persons of the required class will be found among the members of the Local Boards, but they are altogether out of place in Imperial or even Provincial Councils. No matter how these Councils are constituted, this consultation with the people, whether formally through Local Boards or informally in the village and the camp, must be an essential feature of our system of Government if we are to appreciate fully the effect of our measures or our policy upon the people at large. If we are extending our Councils, it is to satisfy the aspirations of the people we have educated, and not with the object of increasing our touch with the uneducated masses. Or if this be the object it will fail in its purpose.

37. The second class of criticism would be that the powers which it is suggested should be exercised by the Councils, and the numerical ascendency in the Councils that it is proposed to give the non-official element, might in the present circumstances of India be a danger to the supremacy of the Government, a supremacy which must on all grounds be maintained. To this I would reply that if the educated representatives of the people are so untrustworthy and irresponsible that they cannot be allowed full powers of discussion both in respect of choice of subject and in respect of opportunity for discussion, there is no case at all for enlargement of Councils or for increased representation. It must be remembered that the Government, even if it be absolute, autocratic or bureaucratic as the public press like to term it, has during the past 50 years endeavoured to create round itself a constitutional environment, framed not on Eastern but on Western lines. The progress obtained during that period has again been progress on Western lines. Any step forward must similarly be on Western lines in order to satisfy public opinion, which itself has been formed not from Eastern but from Western sources of inspiration. A step forward which can be described as a reversion to Oriental methods will be apt to be regarded as a step backward by the very class who are calling for progress. If any landholders have been found to clamour for more representation, it has not been because they were landholders, but because they have imbibed Western education. If any Muhammedans have pressed for adequate representation, it is not because they were Muhammedans but because they were educated Muhammadans. The orators who make eloquent speeches at Congress meetings, or the writers who pen violent articles in the newspapers, are not restrained by any of that feeling of responsibility that must serve to restrain a member of Council; they are not face to face with the high officers of the State in the unemotional atmosphere

of a Council Chamber. Let the most capable men among them find an increased opportunity of making their opinions heard, and their opinions will assume a more sober tinge. Ganted that there may be some who will play to the gallery, their play will not be so unlicensed as it would be outside. Perhaps it is only those who have been behind the scenes in the existing Councils and who have seen the men themselves, and their work, and not only the printed record of their eloquence, who can speak with confidence on such a subject; but for my own part, I do not believe that the class of men who are likely to be returned to the Councils under the kind of proposals which I have ventured to sketch would be likely there to comport themselves in a manner dangerous to the interests of the State. While therefore it must be recognized that the Government must be supreme in its own Council Chamber, that the interests of the millions entrusted to our charge require that elective powers exercised by a numerically minute section should be tempered by the inclusion of representatives of interests which the elected members do not sufficiently represent, I am strongly in favour of allowing those who are, whether by election or selection, called to our Councils a greater liberty of expressing their views, a greater opportunity of influencing the policy of the Government, and greater facility for participating in its inner counsels. When a man knows that nothing that he says is likely to be put into effect, he lets his tongue or pen run away with him, but the risk that what he urges might have serious consequences is apt to check a reckless flow, and to induce more sober expression.

38. One cannot now take up a newspaper without finding some reference to that state of dissatisfaction which is expressed by the term "unrest." Some of the outward manifestations of unrest are the mere fruits of intemperate ranting and scurrilous writing upon the undisciplined minds of young and impressionable students. In other cases some would-be demagogue, anxious to enjoy some of the excitement of being acclaimed as a leader of a revolution with none of its more* serious risks, has attempted to excite the passions of a mob. With persons of this type, who if they are sincere can only be monomaniacs, the present proposals have no concern. These are merely the noxious weeds that have become mingled with our educational crop, and the present is not the place for discussing what should be done with them. But there are many intelligent men, thoroughly well disposed to the Government, whose welfare is bound up with its maintenance, who entertain feelings of dissatisfaction that they are not in the full confidence of the Government. The suitor who is only heard summarily has a feeling of dissatisfaction even if his case is a very weak one; the suitor who is given a patient hearing feels if he loses that what he had to say was at all events considered. The feelings of the educated classes are somewhat akin to those of the suitor who is summarily heard, and we should not allay his dissatisfaction by telling him that we are going to hear some one else in his place who has not asked to be heard. On the other hand, I think that confidence reposed in, and responsibility imposed on, the best men of the educated classes, of whatever occupation or profession, will not be abused, will be a valuable training to them, and may even in time cause the oratorical flowers of irresponsible agitators to languish for want of listeners. Whether this be the case or not, I desire to place before the Government of India a respectful opinion that their proposals as framed will not fully meet the requirements of the case, and that the risks attaching to a bold step forward are much less than those entailed by an advance too small, or to one which deviates too far from the direct road, to remove all that is reasonable in the present discontent among those sections of the educated community whose interests are clearly bound up with the maintenance of law and order, but who wish to be released from a state of pupilage and to demonstrate their own adolescence.

39. There is also a considerable body of opinion that the beginning in these matters should be made from the bottom and not at the top. In other words, that Advisory Councils should start in the district. On this subject I have

* Since this was written the public have been startled by the news of bomb outrages and the existence of an anarchist conspiracy in Calcutta. These manifestations indicate the need for more drastic extirpation of poisonous weeds; but they do not affect the expediency of encouraging the healthy growth of public opinion.

already touched (paragraph 36 above). There are in our midst many more persons competent to give useful advice on local questions than on large questions of Imperial or Provincial policy. In the existing District Councils there is afforded a training ground. There is much force in this contention. These bodies certainly require to be given greater responsibilities if they are to be expected to acquire greater fitness, and there is absolutely no bar to their being more consulted by the District Officer than is now the case on matters of district administration. Some greater degree of formality might be conferred upon such consultations than has yet been done, and the opportunity thus given would afford valuable local training to men of ability and ambition to show their fitness in a smaller sphere for wide responsibilities in a larger one. In a note which I laid before the Royal Commission on Decentralization I indicated my views as to the lines on which local self-government should be made more interesting to those concerned, and more useful to the public, and the desirability of welding it on to the indigenous system of village elders at the bottom and joining it up with Legislative or Advisory Councils at the top. The present reference is concerned more with the last than with the first, but the better development of local self-government from the bottom would be precisely one of those questions of internal administration on which the Provincial Advisory Council which I have recommended for the Central Provinces and Berar might be expected to render valuable assistance.

40. India is not ripe for a democratic constitution, and if it were it would still be impossible to provide it with one ready-made. But it is not impossible, and it is most desirable, to devise and lay down for its guidance a path along which its progress may extend by orderly evolution, the pace being determined by its own fitness, so that the reply to the question '*quo vadis?*' should not be entirely shrouded in mystery.

R. H. CRADDOCK,

Chief Commissioner.

8th June 1908.

No. 810, dated Jubbulpore, the 6th January 1908.

From—Mr. BAKHT BAHADUR VERMA, B.A., Manager, Anjuman Islamia, Jubbulpore,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces.

With reference to your letter No. 1928—I-15-24, dated the 13th September 1907, I have the honour to state that the proposals contained in the Government of India letter received with your above letter were placed before the meeting of the Anjuman Islamia, Jubbulpore, and that the following reply has been directed to be communicated.

Proposals contained in paragraph 6 of the Government of India letter are, it is believed, consistent with the practice usually followed by all Local Governments and their important officers of consulting leading gentlemen on all important measures. The constitution of the Provincial Advisory Council will, however, give a form to the usual practice.

The Anjuman Islamia suggest that the Provincial Advisory Council be constituted on the following lines :—

The maximum strength of the Council might be 20, including the Honourable the Chief Commissioner 28.

This number should be made up thus :—

Feudatory Chief	1
Landholders, two, from each division	10
Representatives of the mercantile, industrial communities and of liberal professions (one to be non-official European).	4
Government official to be nominated by Government	1
Experts to be nominated by Government on special occasions	1
Representatives of minorities, two to be Muhammadans	3
TOTAL	20

As regards the election of a Central Provinces member for the Governor-General's Legislative Council, it is suggested that an electorate consisting of 150 members be constituted—

		TOTAL.
Every District Council, sending	3	66
All District Municipalities, sending	3	66
Mercantile and industrial communities sending	20	20
Feudatory Chiefs, sending	8	8
		150

Member to be elected should be from the electorate. An annual income of Rs. 5,000 should be the qualification to give the right to vote.

As regards the method of election, it would be quite possible to call together the whole of the electorate.

No. 184, dated Jubbulpore, the 7th January 1908.

From—M. W. FOX-STRANGWAYS, Esq., I. C. S., Commissioner, Jubbulpore Division,

To—The Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointments Department.

I have the honour to submit my reply to your letter No. 1929—I-15-24, dated the 13th September 1907, on the subject of the proposals circulated by the Government of India regarding the formation of Advisory Councils and the enlargement of the Legislative Councils. My predecessor consulted the Deputy Commissioners of Jubbulpore and Saugor, Rai Bahadur Ballabhdass and Mr. D. Ghose. I have received and considered their replies, but, as directed, do not forward them. I have to offer the following remarks on the three questions offered for opinion in your letter :—

(*1*) *The scheme is general, more specially from a Central Provinces and Berar point of view.*

2. Taking first that part of the scheme which deals with the Imperial Legislative Council, I observe that the Central Provinces will gain nothing under it. They will have instead of a member nominated by the Chief Commissioner to represent all classes, a landholder representative elected by landholders. It has been pointed out by Mr. Ghose that

the non-agricultural community of the Central Provinces will thus be deprived of a vested right. When a province has only a single member, it is impossible to give simultaneous representation to all the various interests, but it seems to be a mistake to restrict representation to a single one, even the most important. If the Central Provinces cannot be allowed more than one member, that member should continue to be nominated by the Chief Commissioner from among all classes of the population. But I think that we should be allowed two members, one nominated as before, and one elected by the new constituency.

3. The second point that strikes me about the proposals regarding the Legislative Council is that the nomination of 20 officials simply in order to secure the necessary majority is a very cumbrous and expensive way of solving the difficulty. These officials would, I presume, be, as heretofore, senior members of the Civil Service, though, indeed, I think it would be a good thing if seats on the Legislative Council were occasionally given to officials of other departments. The removal of senior officers for Council work must often, even under present circumstances, be very inconvenient to Local Governments; if the members are largely increased, it seems to me that the work of administration is likely to suffer seriously, and that we shall be strengthening the pernicious tendencies which the Decentralization Commission is intended to correct. The Government majority must no doubt be maintained, but I see no insuperable objection to its being maintained by the device of allowing one official vote to count for two others.

4. The principle of Advisory Councils must, I think, command general acceptance, though opinions will differ, as do those of my correspondents, as to their practical value. Rai Bahadur Ballabhdass emphasises the importance of *joint* deliberation, and of the right of the members to *offer* suggestions. It is in these respects that the Councils will be an advance on our present practice, recognised in the Home Secretary's letter, of consulting individually in all important matters the very class of persons who will form the Councils.

5. In respect of the constitution of the Councils, the scheme aims at making the Imperial Council a purely aristocratic body, consisting of "the hereditary leaders of the people," namely, Ruling Chiefs and territorial magnates, leaving the other interests to be representated in the Provincial Councils. I think that the prevailing tone of the Imperial Council must certainly be aristocratic. But the time is quickly coming when the hereditary leaders of the people will not be the most influential leaders, and a Council consisting solely of Ruling Chiefs and territorial magnates will not be the best possible instrument for interpreting the Government to the people or the people to the Government. I do not think that it is necessary to provide for the representation on the Imperial Council of every interest, but I think that it might be made more useful, without changing its essential character, by the inclusion of a few representative men from other walks of life.

6. The Central Provinces possess few territorial magnates, and very few who are fitted by ability and education to become useful members of an Imperial Council. The number of seats to be allotted to the Central Provinces is not indicated, but on the analogy of the Legislative Council it would probably not exceed two. One of these seats would presumably be filled by a Feudatory Chief, and the other by the member of the Legislative Council elected by the enlarged constituency of landholders. As far as this Province is concerned, the non-representation on the Imperial Council of the merchantile, industrial, and professional classes would, I think, be a matter of no importance.

(2) *The formation of an Advisory Council for the Central Provinces and Berar.*

7. I think that the Provincial Advisory Council might be constituted somewhat as follows:—

Imperial Advisory Councillors	2
Feudatery Chief	1
Landholders (2 for each Division)	10
Mercantile and Industrial classes (1 for each Division)	5
Professional men (lawyers, schoolmasters, etc.)	5
Retired Government servants	2
European non-officials	2
Muhammadans	2
	29

Five years is perhaps rather a long term. It is desirable that as many as possible of the prominent men of the Province should have their turn in the Council. I think that the term should be three years, that half the Council should retire (probably by lot) at the end of the first term, and that no one should serve more than two terms continuously.

(3) *The election of a Central Provinces and Berar member on the Viceroy's Legislative Council, the basis for qualification for vote and membership, and the method of election.*

8. In the Jubbulpore district there are 15 landlords paying over Rs. 5,000 in land revenue, but only two of them pay over Rs. 10,000. No doubt the members are greater in Nagpur and Berar; on the other hand they are almost certainly less in Chhattisgarh. A constituency based on the limit of Rs. 10,000 would be too small. Rs. 5,000 would be more suitable, though even this would I think admit very few voters in Chhattisgarh. Moreover I do not think that the franchise should depend solely on the amount of revenue paid. I should prefer to base it on the Durbar lists. The landholders on these lists might be called for the purpose of electing delegates to a Divisional convention. The delegates would nominate a divisional candidate and the Chief Commissioner would made his selection for the Legislative Council from among the five names submitted to him by the conventions. As far as possible the selection should not be made twice running from the same Division. With such a constituency I do not think that it would be necessary to lay down any qualification for membership, but if necessary the limit of Rs. 5,000 land revenue might be fixed.

No. 202, dated Hoshangabad, the 15th January 1908.

From—H. A. Crump, Esq., I.C.S., Commissioner, Nerbudda Division,

To—The Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointments Department.

I have the honour to acknowledge the receipt of your letter No. 1929—I-15-24, dated the 12th September 1907, and its enclosures, regarding the formation of Advisory Councils and the enlargement of the Imperial Legislative Council and to submit my opinion on the proposals.

2. In this Division the spread of English education has been confined almost entirely to members of the legal profession, many of whom, it is true, are also landholders. It has been therefore difficult to obtain any very definite opinions on the proposals from the landed classes, whose inclusion in the Advisory Councils is more particularly advocated and desirable. In almost every case the written opinions submitted to me by the Deputy Commissioners whom I have consulted have been furnished by Barristers and Pleaders, and it has been possible to obtain only verbal opinions from the leaders of the landed classes to whom the proposals have been explained in conversation. It is therefore perhaps not surprising that I have received more destructive criticisms of the proposals than suggestions for their improvement.

3. The proposals for the formation of an Imperial Advisory Council are regarded favourably, but objections have been taken to some of the details of the scheme as framed. Thus Rai Saheb Mathura Prasad of Chhindwara urges that the Council should be enlarged to 150 members in order to secure a more thorough representation of the interests of each province and that the members should form not merely a consultative body, but be given powers of initiating proposals and of putting questions to the Government. Mr. Gupta, the leader of the Hoshangabad Bar, urges that ruling Chiefs should be excluded on the ground that they do not represent any interest in British India, and that their inclusion would be objectionable as any approval, which they might give to an unpopular measure, however valueless that approval might be, is likely to be relied on by the Government of India in support of such measure. The same gentleman further urges that the members of this Advisory Council should be elected by the popular vote and not nominated, as no system of nomination will satisfy the very people for whose benefit the scheme is devised, but on the contrary is likely to create an amount of dissatisfaction, which is undesirable. He also suggests that it is desirable that the Advisory Council should include not only representatives of the landed aristocracy, but also members of the industrial and mercantile classes, because an assembly of landowners could not, for instance, deal with questions affecting factories and their management. Others, while making similar criticisms, recognise that the present scheme is a first step towards the grant of a share in the administration of the country to themselves, and that any great extension of power to the proposed Council could only be given after a careful trial of the scheme as now put forward.

4. The advantages to be derived from the proposed Imperial Advisory Council appear to me to be that proposals framed on western lines of thought will be subjected to criticisms by enlightened men, well versed in the feelings of the country, before they are published for general criticism by the public. Thus, what may appear to Englishmen not only desirable but essential to the good of India, will be carefully examined from an eastern point of view before any attempt is made to place it before the people. In order to secure this object, the Imperial Advisory Council should be a small body of men of position and standing in the country, and it is not essential that every province and every class should be represented on it. What is essential is that the members should be men well acquainted with the feelings of their fellow countrymen, and this will be secured by the selection as proposed of ruling Chiefs and territorial magnates of every province where landholders of sufficient dignity and status are to be found. There is no doubt that such a system is fully in accord with the principles that have always governed administration in India, and the present proposals are merely the introduction of the Durbar of the Native States into the administration of the British Government.

5. The proposal for the formation of an Advisory Counicl for the Central Provinces has been favourably received, subject to the same criticisms as to details which I have mentioned in connection with the proposed Imperial Advisory Council. It is however urged that in the absence of any Provincial Legislative Council, it is still more important that a large proportion of the members should be elected and that the members should have power of initiating measures and of questioning the Head of the Administration and the Heads of Departments. It has been suggested that a suitable body would be formed by adding to the Provincial members of the Imperial Advisory Council five representatives elected by the malguzars of the province, five by the tenants, two by members of the industrial classes, two by bankers and two by members of the professions with four members to be nominated to represent minorities. There would thus be 20 local members.

It appears to me that in putting forward this suggestion the fact that election is entirely foreign to Indian ideas, has been overlooked, and I consider that in the present state of Indian society any system of election of members for the Provincial Advisory Council is impossible. It has also been suggested that in the case of members of the Provincial Advisory Council, a knowledge of English should not be a necessary qualification, and though no doubt in the absence of such knowledge it would be more difficult to consult the members on many questions, I am inclined to agree that if the Council be formed for the Central Provinces, it would be impossible to exclude men who knew no English without losing the services of many of the real leaders of the Society. I am however very doubtful whether a Council of the kind described is necessary in the Central Provinces, as an Advisory Body. So far as I am able to judge, the Hon'ble the Chief Commissioner of the Central Provinces appears to be in far closer touch with the people of the territories of which he is in charge than is the case with the Heads of Local Governments, and it has been argued that for this reason, it would be an advantage to reduce the size of other provinces in order to secure the closer administration which a Chief Commissioner could give. The Hon'ble the Chief Commissioner is thus able at first hand to gather the opinions of people on any measures which he is desirous of initiating and can also learn from them their views on questions of importance. It has always been the practice of the provinces to discuss questions freely with the people, and those who are thought most fitted to give an opinion on any question, have been consulted informally in the past.

In the case of the Imperial Government the questions to be considered are almost always questions of general principles on which the members of the proposed Imperial Advisory Council would be qualified as a rule to give an opinion, but the Provincial Governments are concerned more with the details of administration, and the questions arising are generally of a technical character on which the opinion of special interests and men who have made a special study of the subject is essential. It would be impossible to include all the classes whose opinion might be required, among the members of the Provincial Advisory Council, and I should deprecate the formation of such a body if its creation tended to lesson the close intercourse that has existed hitherto between the people and the officers of Government from the Hon'ble the Chief Commissioner downwards. ws Rai Saheb Mathura Prasad remarks, the formation of these Councils will be no improvement over the present state of things, under which Government and its officers are perfectly at liberty to invite gentlemen of position and social standing to express their opinion on important measures of Government, and as a matter of fact people have gladly given and are now giving their opinions on matters referred to them. It is true that he goes on to advocate the formation of Councils and the grant to them of powers to bring forward notions and proposals to pass resolutions by a majority of votes for the consideration of the Local Administration. The time however has not come for this large extension of power, and it is impossible to accept this proposal.

6. Though however the formation of an Advisory Council in the Central Provinces is thus not assential to better administration, and cannot replace the present system of close intercourse between officers of all ranks and the people, its formation may prove useful as a recognised medium to bring matters of importance requiring attention before the Administration. The fact that a gentleman had been appointed a member of the Provincial Advisory Council, would entitle his views to respect, and in his individual capacity he would be able and should be encouraged to bring to notice any important matters which he thought deserving of notice. Apart therefore from their position as a member of the Consultative Body, the members in their individual capacities would form a most useful aid to the Administration and I am in favour of the formation of such a body.

7. A Council of twenty members would probably suffice, and it would not be necessary that every district should be represented, or that the selection of members should be fettered by artificial boundaries. What is required is that all interests of importance should be represented and especially that the Hon'ble the Chief Commissioner should be able to command the advice and the influence of the leaders of different religions. At any rate therefore until further experience has been gained, I would merely fix the numbers of Councillors and their term of office and lay down no rules regarding their selection.

8. I now turn to the question of the enlargement of the Governor-General's Legislative Council and the proposals to allow the great landholders of the Central Provinces to elect a

member. During the first few years after the Legislative Council was last reconstituted, an attempt was made to select the member of the Central Provinces by nomination from among candidates elected by local bodies. This plan proved unsuitable, and although it has been suggested to me by some of those whom I have consulted, that recourse should be had to that system, I am not in favour of the proposal. The franchise framed for the election of these bodies is, as the Government of India points out, unsuited to the purpose and such a system gives undue weight to the votes of the professional classes, who form the majority of the members of Municipal Committees. Agriculture is by far the most important industry in the Central Provinces, and it is the agricultural and landholding classes who are most entitled to representation on the Council. I therefore agree with the proposal that the members should be elected by the great landholders from among themselves, and the only question is the qualification that should be required for inclusion in the body of electors.

. . . . .

It has been pointed out to me by the people, who accept the principle, that the number of landholders paying Rs. 10,000 a year land revenue in the Central Provinces is very small, and they have suggested the reduction of this limit to as low a figure as Rs. 1,000 only. The conditions of different districts of the province vary so much that it appears to me almost impossible to adopt any money limit which would be suitable for the richer and the poorer parts. A landholder paying Rs. 2,500 a year land revenue in his own right would be one of the leading men in the Betul district, while such a man would not be of marked importance, say, in Nagpur. While, therefore, I agree that a reduction in the money qualification is necessary in these provinces in order to form a suitable electorate, I consider that some further qualification is required that the status of the elector may not be too low and may be equalised for the provinces as a whole. This can, I think, be best secured by adding to the money qualification a condition that the landholder shall be a member of the District darbar. The electorate would then consist of all landholders being darbaris and paying a land revenue in their own right of Rs 2,500 or holding an estate on which, but for privileged tenure, such a sum would be payable. This last condition is required in order to include the leading Jagirdars, Zamindars and Maufidars who in many cases pay much less than this sum, although their estates are some of the largest in the province.

9. As regards the system of election, I would suggest that any candidate for election should be required to submit his name, with the names of three members of the electorate of his district who support him, before a fixed date to the Deputy Commissioner of his district. The name of candidates would be communicated to the Secretary to the Hon'ble the Chief Commissioner who would draw up a list of the candidates thus nominated. A day would then be fixed for the election, the list being communicated to each elector through the Deputy Commissioner of his district and the votes recorded at each District head-quarters at a darbar to be held by the Deputy Commissioner. The votes so recorded for each name would be reported to the Secretariats and the result for the provinces as a whole compiled there.

No. 22, dated Nagpur, the 28th January 1908.

From—Khan Saheb Muhammad Amir Khan, President, Anjuman-e Hami-e Islam, Nagpur,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointment Department.

With reference to your letter No. 1928—I-15-24, dated the 13th September last, on the subject of the formation of an Advisory Council, I am directed by the Anjuman-e Hami-e Islam to reply as follows.

2. The letter under reply has asked for an expression of opinion on two points, *viz.*, the formation of a Provincial Advisory Council for these Provinces, and, secondly, the election of a Central Provinces and Berar member on the Viceroy's Council, the basis for qualification for vote and membership and method of election.

3. The Anjuman consider that in principle the proposal about an Advisory Council is very salutary and if it remains only a consultative body may prove beneficial. But in a country peopled by men of various creeds and castes, institutions of a representative character are difficult and prejudicial to the interests of the minorities. The Anjuman are very grateful to the Government for safeguarding the interests of the Muhammadan community by reserving four seats for them. Looking to the large population of Musalmans in this country, and in view of the fact that in the ordinary course the other communities are not likely to elect Muhammadan members, the number of seats reserved for them is small. Nevertheless, the Muhammadan community is grateful that their claims as a separate community have been recognized. But if any executive powers or legislative functions are in the future delegated to the Advisory Council it will be highly prejudicial to the interests of the Muhammadan community at least, and they advocate the formation of an Advisory Council on the understanding that it will always remain only an Advisory body. These observations are uncalled for, but the principle they embody has been the basis of Muhammadan thought in this country.

4. So far as the question of a Provincial Advisory Council is concerned, the Anjuman consider that executive measures which require opinion of the general public are very few in these Provinces, and the practice hitherto followed of taking opinions of prominent bodies in all important matters has been sufficient. Besides, these Provinces have no Legislative Council of their own. Hence the Advisory Council, which will be an auxiliary bod y to the Legislative Council, does not seem to be necessary. If, however, this view is erroneous and an Advisory Council for these Provinces is necessary it may consist of about 20 members:—

The Honourable the Chief Commissioner	1
Feudatory Chief	1
Landholders—two from each Division	10
From mercantile communities	3
Government official	1
Non-official European	1
Representatives of minorities at least two to be Muhammadans	3

5. As regards the election of a member for the Imperial Advisory Council, an electorate of 150 may be formed. If the payment of Rs. 10,000 land revenue be fixed as the qualification giving a right to vote, it is doubtful if the requisite number will be forthcoming, which should be representative of landholders and others of all the principal castes and creeds. The Administrations will easily find out the number of such men in the Provinces. The Anjuman beg to suggest that the electorate may consist of the following :—

One non-official member named by each District Council	22
One non-official member named by Municipalities of each district	22
Feudatory Chiefs	10
Mercantile professions with an income of Rs. 5,000 a year	30
Landholdrs paying Rs. 5,000 land revenue	66

6. The Anjuman are unable to make a correct estimate as to the number of men who either have got an income of Rs. 5,000 or who pay land revenue of Rs. 5,000 a year. Should their number be large the figure may be raised accordingly until the necessary number is forthcoming, and, if possible, title-holders may also be given this privilege without any conditions as to their income.

7. As to the method of election the Anjuman think that it will be convenient to call together the voters of a Division at some place in that Division.

Amraoti, the 5th February 1908.

From—Rao Bahadur R. N. MUDHOLKAR, B.A., LL.B., Advocate, Amraoti, and President, The Third Central Provinces and Berar Conference,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces.

With reference to your letter no. 1928, dated the 13th September last, asking me for an expression of the opinion of the Committee of the Central Provinces and Berar Conference on the proposals for the establishment of Advisory Councils and enlargement of Legislative Councils, contained in the letter of the Secretary to the Goververnment of India, dated the 24th August last, I have the honour to submit the accompanying Note drawn up by me and circulated among the members of the Executive Committee of the Nagpur Provincial Congress Committee, the members of the Committee of the Berar Association, the members of the Committee at Raipur, where the last Conference was held, and to a number of other leading non-official gentlemen in Central Provinces and Berar who have taken prominent part in the Conference. There being, according to the existing constitution of the Conference, no Committee appointed between any two of its sessions to which such questions can be referred, and the date of the Fourth Conference which will be held at Hoshangabad being some months off, I have, after consulting some leading gentlemen in Berar and Nagpur, adopted the above course as being the one whereby I could substantially comply with the desire of the Honourable the Chief Commissioner to obtain an expression of opinion of leading Conference men. A large number of the gentlemen consulted express their agreement with the views and the suggestions made in the Note. Nobody has expressed disagreement. I have yet to hear from some of the persons consulted. In the meantime I submit the Note as I received a telegraphic reminder yesterday.

Note by Rao Bahadur R. N. MUDHOLKAR, dated the 20th January 1908, on proposals for the establishment of Advisory Councils and the enlargement of Legislative Councils contained in the letter of the Government of India, dated the 24th of August 1907.

It must be frankly stated that the educated community of India feels as a whole keenly disappointed with the unsuitableness and inadequacy of the reform proposals formulated in the letter under consideration. The assurance given by the Right Honourable the Secretary of State for India in his speech, delivered in the House of Commons in presenting the Indian budget in 1906, and the declarations made by His Excellency the Viceroy in his speech of the 27th of March last, in the Supreme Legislative Council, had led the people to believe that His Majesty's Government and the Government of India were at last satisfied that the time had now come when a substantial "advance" should be made in associating the people of this country in the task of Government, and that "a marked step" would be taken "in constitutional progress." It was generally expected that a real beginning would now be made in making the people participators in the higher and more responsible functions of administration, for had not the Viceroy stated in his speech that he recognized that "new and just aspirations were springing up amongst the people which the ruling power must be prepared not only to meet but to assist?" Now that the scheme has come out the general opinion among Indians, qualified to give one, is that it makes no solid concessions, but, on the contrary, some of its provisions are of a retrograde character. Great dissatisfaction and pain has also been caused by the language used towards the educated community and the remarks made about lawyers and schoolmasters. This is all the more regrettable as the sentiments expressed in the introductory paragraphs are unexceptionable.

2. The Right Honourable the Secretary of State and His Excellency the Viceroy having, after the general disapproval with which the proposals were received by the Indian Press, as also—though to a less degree—by the Anglo-Indian Press, stated explicitly that they were only provisional and tentative and that nither of these great authorities regarded themselves as bound to the particular features of the scheme set out in the letter under reference, all that is necessry to do now is to examine critically only the actual and constructive proposals, and if they are found to be based on wrong principles or any wise unworkable, to suggest modifications or changes.

3. The letter opens with the declaration that "the question of giving the people of India wider opportunities of expressing their views on administrative matters," is taken up "with the object of satisfying the constitutional requirements of the Indian Empire," and proceeds to state that in view of the great intellectual progress which has taken place and the extent to which higher education has penetrated, the proposals under consideration have been framed as "a considerable advance in the direction of bringing all classes of the people into closer relations with the Government and its officers and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions." The Government contemplate that the classes who would be affected by the scheme would be able to take an effective part in shaping the action of Government and would necessarily get a larger share in the actual work of administration and more extensive employment in the higher offices of the State. They recognise "the essential justice of the claim that is put forward" and their desire is "to move gradually forward towards the fulfilment, in no grudging spirit, of a pledge which the people of India are entitled to regard as inviolable."

4. Another object which the Government wish to secure is to make "their measures and motives generally understood, and to correct erroneous and often mischievous statements." It is most desirable, the document says, that there should be greater opportunities than what exist at present

for "confidential and intimate consultation between Government and its subjects." With the double object therefore (1) of obtaining from "competent advisers" and "the best minds of the people" that "advice and opinion" which is the "indispensable foundation upon which good administration is built up" and (2) for the diffusion of correct information upon the acts, intentions and objects of Government, the scheme proposes the establishment of an Imperial Advisory Council to deal with the affairs of the Indian Empire and of Provincial Advisory Councils to deal with Provincial questions.

5. This rather detailed resumé of what might be called the "Preamble" of the "Scheme" is given because after the most careful thought and consideration given to the substantive proposals these appear to be not in harmony with the object set out, and further are unsuitable and impracticable in themselves.

An Imperial Advisory Council.

6. To deal first with the proposed Imperial Advisory Council. The objections to the proposals in regard to it are :—

I. That its composition or constitution is not proper; and

II. The indefiniteness of its functions, powers and responsibilities deprives it of much of the utility which such a body is likely to possess.

7. The defects in the constitution or composition of the body arise from (1) the inclusion of Ruling Indian Chiefs, (2) making it to consist only of such Chiefs and territorial magnates of British India, and (3) the exclusion of the principle of election.

8. (1) I am not behind any one in my respect for the Indian Ruling Chiefs as a class and appreciation of the enlightenment, administrative capacity and public spirit which several members of them display. And yet I deem it my duty to emphatically deprecate their inclusion in an Imperial Council dealing with the *domestic* affairs of British India—

(*a*) I do not think that it would be either in accordance with treaty rights, or in consonance with what is due to their high position and dignity as independent Ruling Chiefs to make them members of a Council in which British Indian subjects are included and occupy a position of equality with them. It might be that, owing to circumstances, which need not be gone into, they may not freely and frankly confess their objection to the proposal, but it is exceedingly unlikely that they would regard the innovation with approval or complacency.

(*b*) Apart from the foregoing consideration, there is one conclusive reason why they should not have a place in this Council. The majority of them can hardly be regarded as the equal in ability, education or experience of those whom the British Indian Government have been in the habit of consulting in regard to important legislative and administrative questions. Even those of them who have exceptional capacities which they have strengthened by culture, close study of administrative matters and foreign travel are hardly in touch with the people of the British Indian Provinces, and are not sufficiently cognisant of their wants, wishes and aspirations. Such of them as possess the inclination for study and work find sufficient scope for their energies in the direction of the affairs of their States. They have little time and fewer opportunities for studying the conditions of British Indian Provinces: nor is it certain that if they wished to do so, and tried to mix freely with the people, there might not be valid political objections raised. These eminent personages can hardly be considered as the representatives of the residents of British Indian Provinces.

(c) Another fear is that political complications or at any rate misunderstandings might arise from the creation of such a mixed council. In these days when democratic ideas are spreading it is not at all improbable that British Indian subjects, who are councillors, might raise delicate questions about Native States when they find that the Ruling Chiefs of these interfere with their concerns.

(d) One more fatal objection is that, as things stand at present, and are likely to do for some years to come, there would be very few Indian Princes who would show the requisite moral courage and strength of character to speak unreservedly about the contemplated measures or action of the paramount power and give it their candid advice. Several of them are treated as though they were in a State pupilage. The very object therefore of an Advisory Council would thus be frustrated.

9. I am very clearly of opinion that neither in the interests of the British Government, of the Rulers of the Native States, or of the people of British India, is it desirable that these Ruling Chiefs should be members of a Council dealing with the domestic affairs of British India. But though they ought not to be included in the Council dealt with in paragraphs 4 and 5 of the Government of India's letter, there is no reason why a separate Council might not be created for dealing with inter-State matters and with the questions which arise between the paramount power and the Feudatory Ruling Chiefs.

10. (2) As to the "landed aristocracy" of British India, they have certainly a claim to be given their due and legitimate share in the proposed Council. But it would not further the interests of good Government, or promote the advancement of the country, if undue prominence is given to this class, and the claims of the aristocracy of intellect, and the aristocracy of commerce, industry and wealth are disregarded and set aside. Such a procedure is not just or equitable and entirely militates against the very object of the scheme. The territorial magnates do not represent "the best mind of the people." Though education has penetrated among them to a greater extent than 20 years ago, they have not as a class shown any noticeable talents, industry, culture or enterprise. How many of these are consulted by Government now? In India, as elsewhere, the middle class represents the vitality, strength and progressive power of the country; and a scheme which excludes them would harm the cause of good administration more than the persons left out. Why it is that all these years Government have, of their own accord, been seeking their opinions? It may be that they are at times outspoken in their criticism of the measures and proposals of Government, but it will have to be admitted that the advice, unpalatable though it may be, is dictated by the best of motives and is in the majority of cases wise and called for. It is infinitely preferable to have unsparing criticism from qualified persons than panegyrics from unqualified men incapable of discriminating between what is good and what is bad in high matters of State.

11. It has also to be remembered that there are important parts of India where there are no "territorial magnates," if that term signifies as I take it to do, owners of large landed estates which have come to the present holders by a fairly long course of descent. In the Bombay Presidency, for instance, there are no "territorial magnates," if the Ruling Chiefs are not taken into consideration, as they cannot be. Similarly in that part of the Madras Presidency, where land is held on the ryotwari tenure and there are no zamindaries, there are no persons who can be called "territorial magnates." It could hardly be the intention of Government to regard as members of the landed aristocracy, the mony-lenders and capitalists, who have, by mortgages and purchases, obtained possession of vast estates. The ousting by these people of the old landed peasantry and gentry has always been characterised by Government as a serious evil. And it is unlikely that they could ever have been intended to be included among "territorial magnates" own though they might tens of thousands or hundreds of thousands of acres.

12. While not wishing to detract in the least from the real position and weight of the territorial aristocracy, i t is very necessary to point out that their position and influence is now nothing like what it was fifty years ago. The breaking up or encumberment of the estates of a great number of them, the life pursuits, habits and capacities of the bulk of them, have materially diminished the respect which was at one time felt for them. They have far less hold on the masses than the members of the middle classes, who have obtained remarkable influence over the community as a whole by the intelligence, character, energy and enterprise they have shown. The middle classes, which include the commercial and professional classes, have as much stake in the country as the "territorial magnates," and they are, and would always be, the most powerful and stable elements of Indian society.

13. It is difficult to reconcile the proposals about the composition of the Imperial Advisory Council with the weighty and just pronouncement made in the second paragraph that "no scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who, under existing conditions, have no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence."

14. If the object aimed at in creating an Imperial Advisory Council is to supply Government with a body of "competent advisers," whom it is necessary to consult because they represent the best mind of the people, then the proposal formulated in clause (3) of paragraph 5 of Government's letter will have to be given up, and appointment to the Council determined by considerations of ability, proved merit, high character and trustworthiness. Neither birth nor rank should be of itself a determining factor.

15. (5) Clause (2) is objectionable on the same grounds on which purely nominated Legislative Councils were pronounced unsatisfactory. It is not election pure and simple by the mass of the people that is advocated. What might be laid down is that half will be appointed by the Viceroy according to his own choice and discretion, and the other half on nominations made by the non-official members of the different Provincial Advisory Councils, the Viceroy having however the power to refuse to accept the nomination of a particular person or persons, if in his opinion it would be unsafe to public interest to do so. In view of the fact, that its something of a new departure which would be inaugurated, I have, in drawing up the scheme given below, suggested a further qualification. The principle, however, which has to be emphasised is that at least half of the members of the Council should be appointed on the recommendation of a non-official body.

16. The provisions contained in clauses (5), (6) and (7) are open to the grave objection that unless a body like the proposed Advisory Council has an existence granted and guaranteed by law, has definite functions and is clothed with specific powers and responsibilities, its existence is precarious and usefulness uncertain. The success or failure of the new Councils will depend more upon the stand taken up in these clauses being modified in a very material degree than upon anything else.

17. Even now the Government of India and the Local Governments consult whom they like and in regard to matters they like. The new "reform" is thus no "marked set in advance." I would confidently say to Government "Trust the great body of the people. Take counsel of the best men of the nation. And never will there be cause for regret or dissatisfaction." The following suggestions are submitted in regard to the constitution of the Imperial and Provincial Councils, their powers and functions.

18 (1) There should be two Imperial Advisory Councils.

(A) One composed of 30 Ruling Chiefs, 15 of whom like His Highness the Nizam, the Maharajah of Mysore, the Maharajah Chhatrapati of Kolhapur, the Maharajah Gaikwar, the Maharajah Scindia, the Maharajah of Holkar, the Maharajah of Kashmir, the Maharajah of Travancore, the Maharajahs of Jeypur, Jodhpur, Bikanir, the Maharana of Udaipur, the Maharajahs of Kapurthala, Patiala and Nabha should have places by name and the other 15 should be elected by the other Ruling Chiefs.

This Council should deal with questions which arise between the British Government and the Feudatory States and deal with all inter-State affairs.

19. (B) The other Council should be for British Indian affairs and should consist of 60 members, 30 of whom should be nominated by the Viceroy and 30 be the representatives of the 8 provinces alloted in this wise—

Bengal 6 (West Bengal and Behar 3, East Bengal and Assam 3).

Madras 4.

Bombay 4.

The United Provinces 4.

The Punjab and North-West Frontier Provinces 4.

The Central Provinces and Berar 4.

Burma 4.

These Provincial representatives, who should be non-officials, should be appointed by the Viceroy on the recommendation of the non-official members of the Provincial Advisory Councils, each making recommendation for its own province only. The proper procedure would be, for each of these sets, to elect as many persons from among themselves or other qualified residents of the province as there are representatives to be appointed. But if there are grave objections felt against the introduction of the elective principle in its unadulterated form from now, what might be done is that the different elective bodies mentioned above should recommend the names of double the number of representatives that have to be appointed and the Viceroy should make a selection out of these.

20. The Provincial Advisory Councils should consist of 48 to 60 members, half of whom should be nominated and half elected. Each province should be divided into certain electoral divisions in which (*a*) the Municipalities, (*b*) the District Boards, (*c*) the large landholders, and (*d*) the literate, professional and propertied classes should be given the power to return one member each. Thus for the Central Provinces the number of members should be 48 (exclusive of the Head of the Administration). Out of these 24 will be elected, 16 by the districts forming the Central Provinces proper, and 8 by Berar:—

Nagpur Division 4.

Chhattisgarh Division 4.

Jubbulpore Division 4.

Nerbudda Division 4.

East Berar 4.

West Berar 4.

These two sub-divisions of Berar should be given four members each, as their land revenue is almost equal to that of the four other divisions, while in

regard to trade, commerce and education their advance is greater than that of all parts save of the City of Nagpur.

The four members of each electoral division should be elected: one by the non-official members of the Municipalities in that division, one by the non-official members of the District Boards, one by landowners holding in zamindari tracts land paying Rs. 1,000 as Government revenue and in ryotwari tracts land paying Rs. 200 as Government revenue or rent-free land zamindari or ryotwari which, had it been fully assessed, would have paid like revenue; one by graduates and under-graduates of an Indian, English, Scotch or Irish University who own land paying Rs. 500 as Government revenue in zamindari tracts, Rs. 100 in ryotwari tracts, or rent-free land which would have been assessable to an equal amount or who are assessed to and pay the income-tax.

21. The composition of Advisory Councils in other provinces will, to to some extent, have to be on a slightly different footing. Thus for the Presidency of Bombay the number of members should be 60, out of whom 30 should be elected. The four divisions should elect 4 each in the manner indicated above. Besides this the Corporation of the City of Bombay, the University, the Chamber of Commerce, the Millowners' Association should each be allowed to elect one. The cities of Karachi and Hyderabad, Ahmedabad and Surat, Poona and Sholapur, Belgaon and Dharwar, electing one each, either jointly or by rotation.

22. The powers and functions of these Councils should be defined. In paragraph 6, the Government of India say with reference to the Provincial Councils that "it should be understood" that the Provincial Governments would consult these bodies upon all measures of importance affecting the population committed to their charge. This would certainly seem to include all questions of domestic administration, such as land revenue settlements, famine relief, plague measures, suspension and remission of revenue in time of famine or scarcity, education, sanitation, public works, the development of trade, commerce and industry, etc. The settlement of the budget should form an important function of the body. The same should be the scope of the powers and duties of the Imperial Council. In regard to all these matters the bodies should be consulted.

They should ordinarily be summoned twice in the year, but may be called oftener if public interests demand this being done. As pointed in the letter of the Government of India collective deliberation is of the highest importance and individual consultation should, as far as possible, be avoided.

The functions of these Councils should be advisory and ordinarily they should deal with such matters as might be specially referred to them. But there should be a provision empowering them to place any particular matter before the Council for its deliberation, if a requisition to that effect is made and is signed by one-fourth the number of members, provided further that it does not refer to the military defence of the country or to peace or war with any power or to the relations of the Government with any Foreign or Feudatory State.

The proceedings may be informal, and, whenever the Government deems it desirable, private and confidential. But though the proceedings might be informal, in the sense that they would not be governed by the strict rules followed in Parliament or Legislative Councils, a record of them should be kept to show what matters came up before the Council and what views were expressed in regard thereto. The views of the majority of the Council should, generally speaking, weigh with the Government in determining the course of action to be followed, but they might, differing from the Council, act otherwise.

Enlargement of Legislative Councils.

23. The proposal about the enlargement of the Legislative Councils, which have caused greater pain and elicited stronger animadversions than those about the Advisory Councils, stand in need of complete revision. Some

of the principles enunciated and courses suggested obviously militate against the fundamental policy of the British rule. Sectarian preferences and class and caste distinctions are foreign to its genius. Any attempt to give legislative recognition to them, and to perpetuate and extend them, will seriously alter its character, and nullify the great mission of England as a power devoted to the enlightenment, unification and uplifting of the races which have come under her rule. It is hoped that, after the views which have been expressed by the Press, the suggestion made in paragraph 22 of the Government's letter will be all dropped. It will be a serious menace to the cause of peace, order and good Government if class and sectional jealousies and antagonisms, which had been lain to rest by the principle of equality before law of all equal justice to all and equal opportunities to all should be revived by measures intended to promote the political advancement of the country and its people.

24. If facts are actually examined it will be found that several of the statements contained in paragraph 9 are not accurate and the inferences not supportable. Thus about the supposed neglect of the claims of the Mahomedan community, it deserves to be noted that, out of the 4 elected members generally there has been one Mahomedan. In the elections held immediately after the coming into operation of the amended Indian Councils Act, Sir Mir Humayun Jah was elected to the Viceregal Council. The late Honourable Mr. Rahimtulla Mahomed Sayani represented for some years the non-official members of the Bombay Council. For two years the North-West Provinces were represented by the Honourable Nawab Faiyaz Alikhan and the Honourable Nawab Saiyad Mahomed of Madras has been in the Viceregal Council since 1903. Individual Mahomedan candidates were at times opposed in the same way that individual Hindu aspirants were. It is to be trusted that the misapprehensions about Hindu opposition to the legitimate claims of Mahomedans will be corrected.

25. The observations about the undue prominence of lawyers and schoolmasters and disregard of the landed interest cannot be allowed to pass unanswered. The comparative preponderance of lawyers in the Legislative Councils in this country is not singular. It has always been so even in the British Parliament, and the other legislative bodies in Europe, notwithstanding Burke's strictures of nearly 120 years ago. In the present cabinet more than one-third are lawyers, not counting Mr. John Morley who is a Barrister-at-law though a non-practising one. The reason why in India there are so many lawyers in the Legislative Councils is obvious. Outside Government service the men who have received liberal education take, for the most part, to the study and practice of law. Further, many—I may say the majority—of these lawyer members of Councils are also owners of landed estates or are engaged in commerce or industry. It cannot be due to "wire-pulling" that year after year constituencies, consisting of men of education, position, knowledge and experience of the world, have been showing preference to lawyers. The business which is transacted in these Councils requires, in addition to high general culture, considerable knowledge of law, or at least of the principles of legislation, and the electors, naturally and very properly, give importance to this consideration and to the fact that members of the legal profession possess, as a rule, greater debating power, greater resourcefulness in argument, and above all greater independence of character than landlords or millionaire capitalists.

26. But it might respectfully be inquired whether the lawyers and schoolmasters have not discharged their duties as legislators and critics of the administration far more satisfactorily than the scions of ruling families, the representatives of the landed aristocracy or of the great capitalist. On all important occasions whenever the legitimate interests of the landed classes or the propertied classes were threatened, it is the lawyers and the schoolmasters who unselfishly and sturdily fought for their protection, and who were called upon by the classes in danger to espouse their cause. Only last week when the Madras Land Estates Bill was under discussion, it was the lawyer members who appealed to the Government to allow the landholders, whose rights were

proposed to be seriously curtailed by the measure, to be represented by an additional member or to be heard through counsel. No antagonism exists between the educated section of the community and the landed and the capitalist interests. No: not even so much as want of complete confidence and cordiality. The relations are most friendly. It is earnestly trusted that no scheme will be sanctioned which is likely to create distrust or disunion among the different classes, castes or creeds where none exists at present. The doctrine of counterpoise is one which does not deserve the countenance of the Government of India.

27. It is difficult to understand how it can be justly said that under the present system the landed interest is not represented, or is very inadequately represented, when we find in the Viceregal Council scions of historic families and holders of great landed estates like the Iikasaheb of Nabha, Sir Rameshwar Singh, Maharajah of Darbhanga, the Honourable Nawab Saiyid Mahomed Saheb Bahadur, the Honourable Munshi Madho Lal, the Honourable Mr. Gangadhar Madho Chitnavis and the Nawab of Dacca. Out of the four members whom the Provincial Legislative Councils are privileged to elect three, the Maharajah of Darbhanga, Nawab Saiyid Mahomed and the Honourable Munshi Madho Lal, are proprietors of large landed estates. The District Boards which are empowered to elect members to the Provincial Legislative Council represent the agricultural interest. If instead of choosing an insufficiently educated ill-informed laudlord, they prefer to repose confidence in an acute, cultered, energetic lawyer, no objection can in fairness be taken to their action, nor can any fault be found with the lawyer. To require that agriculturists should elect an agriculturist, and Jain traders a Jain traders would not only land the Administration into an utterly unworkable position, but would frustrate the great object of bringing to the King's Council the most competent advisers. A valuable and instructive object lesson is afforded by the situation, which exists in the Madras Presidency in regard to the Estates Land Bill now under consideration. An elaborate complicated measure comprising nearly two hundred sections and dealing with the relations between the zamindars and their subordinate holders and tenants has been introduced by Government with the object of, it is stated, granting protection to the latter. The zamindars regard its provisions as a serious innovation upon and curtailment of their long existing rights, and have time after time denounced them. The Rajah of Kurupam, himself a big zamindar, represents the interests of his class in the Council. The other Indian members occupy a position of neutrality and are as anxious of protecting the just rights of the zamindars as those of the inferior holders and tenants. The Rajah of Kurupan, though a man of more than average abilities and one of the best educated men of the landed aristocracy, felt with the help and co-operation of a lawyer necessary in order effectively to present his case and press his points.

In the Bombay Presidency the educated community and especially the lawyer members of the Legislative Councils fought for the landholding classes when the amendments seriously curtailing dispository rights over land were introduced in 1901 in the Bombay Land Revenue Code.

In regard to the Courts of Wards measures also all the Indian members, even though they were not holders of big estates, strove energetically to protect the rights and interest of the holders of such estates.

28. As to the proposal to give to the holders of big landed estates the right to elect seven members to the Viceregal Legislative Council, it must be borne in mind that the big landlords do not represent the interests of the entire landholding and cultivating community or even of the bulk of it. From 1859 legislation had to be undertaken over and over again for rescuing from the encroachments and exactions of the landlords, the subordinate tenure-holders and present cultivators. The landed interest in India undoubtedly demands the first consideration. But the members of the landed aristocracy cannot claim, or be allowed to, exclusively or largely represent it, because they and the subordinate tenure-holders are often in opposition; and even as regards the special interests of their class they are not as well able to guard

and defend them as the members of the educated community who have made a study of law and politics. To what extent they are entitled to have a separate representation and how it should be granted will be shown presently.

29. With reference to the claim advanced on behalf of the Mahomedan community for a distinct and separate representation, there is no desire to oppose it, though it is permissible to point out that the principle underlying it has little basis in justice or equity. There are large tracts in the country where the Mahomedan element preponderates and it would be quite in the power of the Mahomedan gentry of those portions, to send their representatives to the Council. The demand for differential treatment was all the more uncalled for, as there has hardly been any year in which there was not sufficient representation of the Mahomedan community. It would be curious to know how or in what respects such men as Budruddin Tyaji, Rahimtullah Mahomed Sayani, Nawab Saiyid Mahomed, Fazulbhoy Visram can be considered as not proper representatives of the Mahomedan community. It is open to question whether those who have been pressing for differential treatment of this important community are not asking for the inauguration of a system which will do them more harm than good. It is only in the free bracing atmosphere of open competition and equal struggle that the mental and moral sinews of that community would be strengthened. Since, however, Government have thought it desirable to grant (for evidently political reasons) special concessions and privileges to the community, the Hindus do not wish to oppose it, so long as this privileged special treatment does not deprive the other communities of their just rights and influence.

30. The scheme formulated in the letter under reference, in addition to being open to the objections urged above, is further open to this grave drawback that it makes very little extension of the elective principles so far as the bulk of the Indian people are concerned. All that is done is, in addition to the four Provincial Legislative Councils of Madras, Bombay, Bengal and the United Provinces electing each one non-official representative, power is given to the Councils of the Punjab, East Bengal, and Burma to do the same. It is felt by all the sections of the community who are capable of understanding these subjects—and their number is very large, for now lakhs eagerly read not only the vernacular papers but also those conducted in English—that absolutely no concession has been made to the educated classes, the mercantile and the trading community, and the enterprising workers in the field of industry. They also feel that the interests of the majority of landholders have not received the consideration that was due to them and that instead of a Council representing the best faculties, capacities and achievements of the nation, the new Councils would keep only a narrow door to admit a few alone of the deserving men. The general feeling is that no adequate scope would be afforded by the new scheme for the expression of the wishes, wants and aspirations of the people. And it thus fails to give effect to the high object Government had set before themselves as is stated in paragraph 2 of Sir Harold Stuart's letter.

31. While unreservedly admitting that the executive authority of the Government is to be maintained in undiminished strength, it is submitted that a far more real and substantial advance on the path of reform than is suggested in the scheme under consideration is urgently needed to stem the tide of the unrest which has begun to flow over the land. This unrest as yet represents merely the disappointment caused by the non-fulfilment of promises and pledges and the non-satisfaction of legitimate aspirations. His Excellency the Viceroy in his speech of the 27th March last recognises that the Government "cannot afford to dally." Placing confidence in the proved loyalty of the people as a whole, and appraising at their due worth the few dissident notes which have been raised by a very small minority, the Government should unhesitatingly take a marked step in advance, not only so far as the Mahomedan community or the landed aristocracy are concerned, but as well in regard to all the other important interests; and above all to that of the most capable, energetic, influential and efficient sections. Action along the lines indicated below would, it is believed, carry out this object.

I

32. There should be the Imperial Legislative Council for the whole of India including therein not only British India proper as defined by Statute 52 and 53 Victoria, Ch. 63, but all those territories, tracts and places which are administered by the Governor General in Council though they may not be held by the Crown in full sovereignty; and

II

Provincial Legislative Councils for each of the provinces of (1) Madras, (2) Bombay, (3) Bengal and Behar, (4) Eastern Bengal and Assam, (5) United Provinces of Agra and Oudh, (6) Punjab, (7) the Central Provinces and Berar, (8) Burma.

The seventh province should be raised to the status of a Lieutenant-Governor's charge. The change is demanded as much for executive and judicial purposes as for legislative needs.

If it be permissible to suggest here a re-grouping of the provinces the following changes deserve consideration as claculated to remove several grievances and difficulties. (*a*) To re-unite the two Bengals and place them under a Governor in Council as was contemplated when Statute 16 and 17 Victoria, Ch. 95, Section 16, was enacted. (*b*) To separate Behar from Bengal and joining it to the United Provinces, raise this province to the status of a Presidency like Madras and Bombay with a Governor at the head. (*c*) To restore the North-West Frontier Provinces to the Punjab. (*d*) Sambalpur and other parts of Orissa proper and Chhota Nagpur should form part of the Central Provinces Administration and the whole territory along with Berar to be placed under a Lieutenant-Governor.

The Imperial Legislative Council.

33. The Imperial Legislative Council should consist of 66 members exclusive of the Viceroy, of whom 32 should be elected by non-official members and 34 ex-officio, official and nominated. The elected non-official members should be elected as follows :—

Three by each of the eight provinces of—

(1) Bengal and Behar.

(2) Eastern Bengal and Assam.

(3) Madras.

(4) Bombay.

(5) United Provinces.

(6) Punjab.

(7) Central Provinces and Berar.

(8) Burma.

(*a*) By the non-official members of the municipalities which are empowered to elect a portion of their members ... 1

(*b*) By the non-official members of District Boards ... 1

(*c*) By all registered graduates of an Indian, English, Scotch or Irish University of five years' standing and paying the income-tax on an income of Rs. 5,000 a year or holding land paying Rs. 500 as

land revenue in the ryotwari tracts, or Rs. 2,000 in zamindari tracts, or holding rent-free lands yielding an annual income of Rs. 5,000 a year ... ...

NOTE.—(a) Will represent the interests of commerce, trade and industry, (b) the agricultural interest, and (c) the members of the educated community who hold property also.

By landowners holding assessed land paying Rs. 20,000 as land revenue in zamindari tracts, Rs. 3,000 in ryotwari tracts or rent-free land yielding an annual income of Rs. 20,000 2

By Mahomedans 2

By the Chambers of Commerce of Calcutta and Bombay ... 2

By the Bengal National Chamber of Commerce and by the Bombay Mill-owners' Association 2

The Mahomedan community will get two members by special election. More than this it would be unfair to give. It is difficult to understand the propriety of that feature of the scheme which gives to the Mahomedans two seats by special election, two by special nomination, with the further probability of getting three or even four more out of the general seats. As the Mahomedans are in the majority in the provinces of Eastern Bengal and Punjab they can under the scheme suggested here safely count upon getting at least four out of the six assignable to these two provinces. There is great probability of their getting at least two more. So there can be no ground left to any one to urge that the interest of this community are overlooked or inadequately provided.

Provincial Legislative Councils.

34. In what has been submitted above it is assumed that there would be a provincial Legislative Council created for the Central Provinces and Berar. It is, however, necessary to clear up this point more. The position of the territories under the Central Provinces Administration is anomalous and unsatisfactory—that of Berar being peculiarly hard. There is no Provincial Legislative Council, no certain and sufficient representation on the Viceregal Legislative Council, no right of electing a non-official member, no opportunity to discuss the provincial budget. In regard to the administration of justice likewise the machinery is greatly behind that of the seven other provinces. The Provincial Conferences held in 1905, 1906 and 1907 by representative non-official men of the province have urged it upon the Government (1) to establish a Legislative Council for the Province; (2) to place the administration under the headship of a Lieutenant-Governor; (3) to establish a Chief Court like that of Punjab or Burma.

If it is difficult to give effect to the second recommendation there is no reason why the first—the establishment of the local legislative body—should not be carried out.

The establishment of the local Legislative Council for these provinces would seem to be a condition precedent to the appointment of Lieutenant-Governor (24 and 25 Vict., Ch. 67, Sections 46—49). But reading these provisions of 24 and 25 Vict., Ch. 67 with 55 and 56 Vict., Ch. 14, Section 6, it does not seem to be necessary to create a Lieutenant-Governorship for establishing a local legislature. Such a legislature can be created not only for a province but for a division. With the strong claims the people of the province have for equal treatment with the people of the other provinces, it is earnestly hoped, that the Government of India and His Majesty's Government would see their way to establish a local legislature for the Central Provinces.

35. It is necessary to make a special reference to the case of Berar, as it is peculiarly hard. For the last half a century that province has been as completely under the control of the British Government as any territory held in full sovereignty. Since November 1902 the tenure on which it is held has become permanent. There is no accountability to His Highness the Nizam nor has that Prince any right of direction, supervision, control or even advice. The districts constituting Berar are, for all practical purposes, as much a part of the dominions of His Majesty the King-Emperor as any part of what is called British India. The people of these districts have thus the same claims upon the British Government as their British Indian subjects. For several years past they have been praying Government to remove the utterly anomalous and unsatisfactory system under which laws and regulations for the province are promulgated by executive orders issued by the Governor General without, in the majority of cases, any public discussion, previous announcement or opportunity to the people to express their views. The Central Provinces and Berar Conferences have submitted resolutions upon the subject to the Government of India and the Local Government, and the Note dealing with the General and legal aspects of the question has also been before them from 1905. The Government will, it is hoped, do justice to these districts and place them in all administrative, legislative and judicial matters on a level with the rest of India administered by the British Government.

36. A local Legislative Council for the Central Provinces and Berar may be established on some such lines as follows:—

There should be 36 members exclusive of the head of the provincial administration, of whom 18 should be nominated—officials or non-officials—and 18 elected non-officials.

The elected members should be elected by—

Nagpore Division	3
Chhattisgarh Division	3
Jubbulpore Division	3
Nerbudda Division	3
East Berar	3
West Berar	3

The three members should be elected—

(*A*) By the non-official members of the District Boards ... 1

(*B*) By the non-official members of the Municipalities ... 1

(C) (*a*) all persons paying income-tax on an income of Rs. 2,000

(*b*) all land holders who in zamindari tracts pay Rs. 2,000 as Government revenue.

(*c*) in ryotwari tracts pay Rs. 250 as land revenue.

(*d*) or hold rent-free land yielding an annual income of Rs. 2,000.

(*e*) graduates of 10 years' standing.

37. The Provincial Legislative Councils for the Presidencies of Bombay and Madras and for the 5 other provinces will have to be larger; and in addition to the representation given to the District Boards, mofussil Municipalities, large land-owners and the literary classes, special representation will have to be given to the Municipal Corporations of the Presidency Towns, the Universities, the European Chambers of Commerce, the Indian Mercantile community, as also to big cities like Ahmedabad, Karachi, Poona, etc.

Discussion of the Budget.

38. The powers and functions of these Councils, both Imperial and Provincial, should, in regard to interpellation and the discussion of the Budget, be wider than those existing now or proposed to be granted by the scheme under consideration. In regard to interpellation there should be the same power to ask further questions arising out of replies as is enjoyed by the Members of the House of Common. In regard to the discussion of the Budget, it is true that the new proposals would give greater facilities for real and useful discussion that at present. But this will not be sufficient to meet the needs of the situation. There must be the power to move amendments and there should be something more than a mere formal discussion having as little potency as the deliberations of a debating society. On all contested points votes should be taken, the Governor-General or the head of the provincial administration having the power to overrule and set aside the vote of the majority and to pass such order in regard thereto as might appear to him proper. One more safeguard to preserve the dignity of the head of the Government might be provided by laying down that it shall not be permissible to any member to move any amendment or to call for any vote in regard to the salary or allowances of the Governor-General or of the head of the provincial administration.

Executive Councils and Boards of Revenue.

In regard to the Council reforms there is one matter which is of very great importance, but which is not touched by the proposals under consideration, and that is about the representation of Indian opinion on the Executive Councils of the Governor-General and the Governors of Madras and Bombay and on the Boards of Revenue of Bengal and the United Provinces. It is submitted that it is as necessary to deal with this question as with the expansion of the Legislative Councils and with the appointment of Indians to the Council of the Secretary of State. For reasons urged above an advance in this direction also is loudly called for. It is not an impossible demand which is made. Nor is it in anywise hinted that the discretionary power of Government to make selection should be fettered. Out of the 6 seats on the Executive Council of the Governor-General, 2 should be given to natives of India. And one Indian should be appointed to the Councils of the Governors of Madras and Bombay and on the Boards of Revenue of Bengal and the United Provinces. In those provinces in which there are neither Executive Councils, nor Boards of Revenue, one of the Secretaries should be a native of India. There can be no question that there are Indians of proved merit, ability and loyalty who can be safely placed on these Councils or Boards or appointed to secretaryships. The cause of good government will, by this arrangement, be even more effectively served than by the present system, where many a serious mistake has been unconsciously committed owing to lack of knowledge of the Indian view. There will not, it is trusted, be any hesitation on ungrounded fears and vague doubts.

SUMMARY OF RECOMMENDATIONS.

Advisory Councils.

1. There should be a Council of Ruling Chiefs for dealing with inter-State matters and questions which arise between the Paramount Power and Ruling Chiefs. It should consist of 30 members, 15 of whom shall be appointed by name, being the principal Chiefs, and 15 elected by the rest of the Chiefs.

2. There should be another Imperial Advisory Council for British Indian affairs to represent not only the landed aristocracy, but also commerce, industry, progressive spirit and culture in the country. It should consist of 60 members, 30 to be nominated direct by the Viceroy, and 30 on the recommendation of Provincial Advisory Councils.

3. The Provincial Advisory Councils should consist of 48 to 60 members, half of whom should be nominated, and half elected, the electors being Municipalities, District Boards, large landholders, and literate professional and propertied classes.

4. The Provincial Advisory Council for the Central Provinces and Berar should consist of 48 members, out of whom 16 should be elected by the constituencies named in 3 above in the Central Provinces, and 8 by those in Berar.

5. The powers and functions of Advisory Councils, both Imperial and Provincial, should be defined, and all questions of domestic administration, including the settlement of the Budget, should be referred to them. They should ordinarily be summoned to meet twice in the year. The Councils should ordinarily deal with such matters as might be specially referred to them, but there should be a provision empowering them to place any particular matter before the Council for its deliberations, if a requisition to that effect is made by one-fourth of the members. Though the proceedings of the Councils might be informal, the views of the majority should, generally speaking, weigh with the Government in determining the course to be followed.

Legislative Councils.

6. Barring the permission to Mahomedans to elect two members of the Imperial Legislative Council, racial and caste distinctions ought not to be recognised in the constitution of the Legislative Councils or District Boards and Municipalities.

7. The Imperial Legislative Council should consist of 67 members, of whom 32 should be elected non-official Twenty-four of these should be elected by the District Boards, Municipalities, and the literate, professional and propertied classes, on a restricted franchise, of the eight provinces of British India; two by Mahomedans, two by zamindars, two by the Bengal and Bombay Chambers of Commerce, and two by the Bengal National Chamber of Commerce and the Bombay Millowners' Association.

8. Berar should, in regard to legislation and administration, be placed on the same footing as territories comprising British India.

9. A Provincial Legislative Council should be established in the Central Provinces and Berar, the provinces being placed under a Lieutenant-Governor, if possible.

10. This Council should consist of 37 members, 18 of these being elected—12 for the Central Provinces and 6 for Berar—by non-official members of the District Boards and Municipalities, and by the literate, prefessional and propertied classes on a restricted franchise.

11. Non-official members should have power to move amendments to and divide the Council on the Budget.

12. As regards the right of interpellation, they should have the right of putting supplementary questions arising out of answers at the same meeting of the Council.

13. There should be two Indian members on the Governor-General's Executive Council.

14. Where there are Provincial Executive Councils, one of the members should be an Indian.

15. Where there are no Executive Councils, one of the members of the Board of Revenue should be an Indian.

16. Where there are no Boards of Revenue either, one of the Secretaries to Government should be Indian.

Dated Jubbulpore, the 7th February 1908.

From—Raja Bahadur SETH BALLABHDASS, President of the Malguzari Sabha, Jubbulpore,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces.

I am desired by the Malguzari Sabha to acknowledge receipt of your letter No. 1928, dated the 13th September 1907, forwarding copy of a letter No. 2317, dated the 24th August last, from the Government of India, Home Department, regarding the formation of Imperial and Provincial Advisory Councils, and the enlargement of Imperial and Provincial Legislative Councils, and in reply beg to state as follows.

2. Before expressing their opinion on the proposals for reform outlined in the Government letter, the Malguzari Sabha beg to thank the Government for their kind intentions underlying these proposals and for their anxious desire to provide increased facilities in the direction of bringing all classes of the people into closer relations with the Government and its officers and thereby increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions, but the Sabha beg leave to state that this aim can only be achieved by associating with the rulers, representatives of not only landed interests, as proposed, but also those of industry, commerce, capital and the educated and professional classes. This will facilitate consultation in all the branches of administration, and the body so constituted will be really helpful to the Government in advising it as to the different interests involved.

3. So much for the constitution of the Councils, now as to their functions. It is observed in paragraph 5 (6) that these will be purely advisory. The Sabha have no objection to the Council being for purely consultative purposes as a first step in genuine political progress, but it will not be too much to suggest that an Advisory Council of all the classes of the community should be invested with the powers of tendering occasional addresses to the Viceroy and the Governor on the wants and grievances of the people, that they should be called upon to meet at some definite time in the year, and that Government should take the opportunity to make such statements of general policy and particular measures as, for instance, is done on the occasion of opening and the prorogation of the Parliament in England. These notables should also be given the powers of meeting at their own motion on any serious occasion to tender proper advice to the Government and assure them of the real state of the country under a given set of circumstances. Besides, if some measure of the Government were criticized, nay opposed, by a three-fourths majority of the Council, it should be dropped.

4. With regard to the question of the expansion of Legislative Councils, the Sabha have absolutely no objection if a larger number of land-holders, bankers and others are given entrance to the portals of the Council chamber, but the presence of the members of the Bar in that august assembly is as much necessary as that of these representatives of various interests in the country. The Councils are legislative ones, their functions are to pass bills into laws. The Sabha therefore think that no opinion can be more valuable and of greater use in these matters than that implied in the practical views of gentlemen competent by their education, learning and legal accumen to speak authoritatively on the subject. Their expert opinions should be valued and greater room should be made for them in these Councils.

5. The Sabha now beg leave to consider some of the other aspects of the proposed reforms. A conscientious regard for the minorities constitutes a predominant note in the Government letter. Class representation which is so much insisted upon is always pregnant with controversies and will tend to create ill-feeling among the numerous races inhabiting the country. Where so much difference already exists among a heterogenous people as in the Central Provinces, it is the highest statesmanship to try to make them bury their petty quarrels and become a homogeneous whole. But the Sabha find that if this class representation is allowed, matters instead of mending will go from bad to worse. Besides if such representations are allowed every minor class will come forward to claim the same privileges as those granted to a few. To give a few instances, what is there to prevent the Christians and the Parsees to clamour for their representations? What can check the Buddhist, the Jains and the Sikhs and others from putting forward similar claims? And if all these are allowed separate seats, if every minor class sends one or two of their number to the Councils to watch over their interests, the Councils will become simply confused bodies of an unwieldy character. Under these circumstances the Sabha respectfully submit that class representations should not be allowed and the election of the Council should take place on a general basis. The formation of electorates on the basis of caste, class, community and religion should, however, never be allowed, for it will only accentuate the social and religious differences which it is the aim of our benign Government to minimise.

No. C-36, dated Amraoti Camp, the 16th February 1908.

From—B. ROBERTSON, Esq., C.I.E., I.C.S., Commissioner, Berar,

To—The Chief Secretary to the Chief Commissioner, Central Provinces.

I have the honour to reply to your letter of September last, asking for an opinion on the proposals set forth in the letter from the Government of India in the Home Department, No. 2310-7, dated the 24th August, on the subject of Advisory and Legislative Councils. I regret that in the press of other work connected with my taking over this Division, I have been unable to find time for full consideration of the various questions that are raised, and that a reply to your reference has been so much delayed.

2. On receipt of your letter my predecessor consulted the Deputy Commissioners of Amraoti, Akola and Buldana, as also Rao Bahadur R. N. Mudholkar and Rao Bahadur D. V. Bhagwat. Major Horsbrugh and Colonel Colomb have offered brief opinions on the proposals, both being in favour of the creation of an Advisory Council for the Central Provinces and Berar, although they give no very definite opinion as to how it should be brought into being or as to the lines on which it should be worked. Rao Bahadur D. V. Bhagwat regrets his inability to discuss the schemes for the formation of an Imperial Advisory Council and for the enlargement of the Legislative Councils. He puts forward proposals for the formation of an Advisory Council for the Central Provinces and Berar, this to be done partly by election and partly by nomination by the Local Administration. To the Advisory Council as thus created he would give the right to elect a member of the Imperial Legislative Council. Rao Bahadur R. N. Mudholkar has recorded a lengthy note on the whole of the Government of India's scheme, and I forward it in original in accordance with what has been said at the close of paragraph 3 of your letter.

3. Opinion has been asked for on—

(a) The scheme in general more especially from a Central Provinces and Berar point of view.

(b) The formation of an Advisory Council for the Central Provinces and Berar.

(c) The election of a Central Provinces and Berar member on the Viceroy's Council.

scheme in

4. On the scheme in general I do not propose to say further than that I approve of the suggestion of an Imperial Advisory Council and of similar Councils for Local Governments, but I question whether the method of out-and-out nomination to such Councils will satisfy the asperations which have been raised and will be the most suitable method of forming the Councils. Again, the proposal that one-third of the number of the Imperial Advisory Council should consist of Ruling Chiefs and that the remainder should comprise the territorial magnates of every Province, where landholders of sufficient dignity and status are to be found will have the appearance, if it has not the effect, of closing the Advisory Council to the leaders of industry, commerce, capital and of the professional classes. It is proposed that the latter should be represented on the Provincial Advisory Councils, and the case is surely all the stronger for their being prominently associated with the Imperial Government in considering subjects of the most multifarious nature deeply affecting the progress of the country.

5. I am of opinion that the scheme of the Imperial Advisory Council should be revised. I would limit the number of the Council to 40, which would probably be sufficiently large a body for the purpose. 24 members might be nominated by the Viceroy direct and 16 selected by the Viceroy from members of the Provincial Advisory Councils nominated in that behalf by the Advisory Councils. Of the direct nominations, at least one-third should be representative of commercial, industrial and professional interests. In the case of nominations by Provincial Advisory Councils, of which there will be 8, it would be possible for each council to nominate four representatives. As the intention is to give the landed interest special weight in the Advisory Council, 2 of the nominations should be of persons of that class, one should be a business man and one a professional man. From the names thus sent up, selection would be made of one representative of the landed interest from each Province, and from the 16 nominees of the commercial and professional classes 8 would be selected, say 4 of each class, each Province obtaining a representative of one or the other. I note that in Burma a representative of the landed classes would probably not be forthcoming; in that case a different choice could be made. The Central Provinces and Berar in this scheme are ranged with the larger Provinces. If objection is taken to this, which I trust would not be the case, the Province might nominate only one member, the difference being made up by adding to the direct nominations on His Excellency the Viceroy, making the latter 25 instead of 24.

6. One point which may give rise to criticism remains, namely, the invidiousness of the task of making selections from the names sent up. The non-official members who have been consulted in Berar are prepared to accept the principle of section, and I have adopted it, but it seems to me that there need be little risk in accepting nomination of a single representative of the landed interest, and in the case of the commercial and professional classes telling the Advisory Council the class of which it is its turn to nominate a representative. In this way the question of selection could be eliminated.

7. The enlargement of Imperial Legislative Council is coupled with the maintenance of a standing official majority on the Council. This being conceded, I incline to the opinion that the suggestion for enlarging the Council has, as a matter of practical politics, been carried somewhat far. It is proposed to bring 20 officials of high standing from the different Provinces each year to Calcutta for the Session of the Council. The loss to the different Administrations of the services of such a number of officers of standing and experience is no light matter, and the growth of representation may be too dearly bought if Government work in the Provinces is dislocated to this extent. I would therefore reduce the numbers of the non-official members, however unpopular and apparently backward such a suggestion may be. The reduction I would suggest in the different classes given in paragraph 12 of the Government of India's letter is as follows: —

D.—Elected members—	
(*a*) and (*b*) as proposed	9
(*c*) a representative of the nobles and great land-owners of the following Provinces to be elected in rotation :—	
Group I.—Bengal and Eastern Bengal and Assam	
Group II.—The United Provinces and the Punjab	
Group III.—Madras and Bombay	3
(*d*) by Muhammadans	1
E.—Non-officials nominated by the Viceroy to represent minorities or special interests (to include a representative of the Central Provinces subject to the reservation made in paragraph 15 below), not less than one to be a Muhammadan	4
F.—Experts to be nominated by the Viceroy, where necessary	1

This reduces the representatives of classes D, E and F by 6, and the number of additional nominated officials (class B) could be similarly reduced to 14. Considering that the expert number of Council (class F) will presumably be ordinarily a Government official, and taking also into account the reduction in the size of the Council, the number of additional official members might probably be 13. This would give a Council of 40 members not including His Excellency the Viceroy, and I am of opinion that, with the stipulation as to an official majority, the Council should not exceed this number.

8. On the other details of the proposals I do not propose to offer any remarks, as they are not intimately connected with the circumstances of the Central Provinces and Berar.

(B) The formation of an Advisory Council for the Central Provinces and Berar.

9. I have already stated that I am in favour of a Provincial Advisory Council being formed. The question is not easy of satisfactory solution, but I think the time has come when some method of associating the non-official element with the deliberations of Government must be devised. In the Central Provinces and Berar the formation of an Advisory Council would be a stepping-stone to a local Legislative Council, the establishment of which cannot be very long deffered. And to satisfy the aspirations which have been formed I would admit the principle of nomination to the Advisory Council by District Boards and Municipalities as the only representative institutions which we have ready to hand.

10. My suggestion would be to form an Advisory Council of not more than 25 members, 13 to be nominated by the Chief Commissioner and 12 to be appointed as follows :—

One member to be nominated by the Municipalities of Nagpur and Jubbulpore, the two chief cities in the Province, by rotation.

Five members to be chosen by the Municipalities of each Division. (In the case of Nagpur and Jubbulpore, the Municipality would not take part in the nomination, when its turn for a nomination on its own account came round.)

Four members to be chosen by the District Councils of each Division in the Central Provinces.

Two members to be chosen by the District Boards of (*a*) Amraoti and Yeotmal, (*b*) Akola and Buldana.

11. I do not consider that we need introduce the complication of asking the local bodies to nominate more than one representative, from whom the Chief Commissioner could make selection, although in deference to the Government of India's views as to selection for the Imperial Advisory Council, I have admitted the principle in the proposals I have put forward in paragragh 5, while at the same time pointing out in paragraph 6 that the principle might safely be abandoned. I would therefore let local bodies nominate their representatives without any question of subsequent selection. To insure due representation of the different classes, I would confine nominations of representatives of the commercial and professional classes to the Municipalities, and of the landed interest to the District Boards. It should not be difficult to arrange that three repesentatives of the commercial and three of the professional classes should be nominated in turn by the different municipal bodies. One year it would be the turn of a commercial representative to be nominated for the Division; another year of a professional representative. The District Boards which stand for the agricultural classes should nominate only representatives of the latter. In Berar, in consideration of the agricultural wealth and advancement of the Province, I think it would be fair to allow two representatives of this class.

12. The above is admittedly a very rough and ready suggestion, and it is no doubt open to criticism, but as a beginning it might, I consider, be given a trial. I am certainly not in favour of starting an electorate, and the whole idea of informal Advisory Councils is quite apart from such a foundation, but I hold that some system of nomination such as I have outlined would be a step in advance, and might be introduced as an experimental measure with the materials which are already in existence.

(C) The election of a Central Provinces and Berar member of the Viceroy's Council.

13. The third point is one on which there has been discussion in the past, and it has generally, I believe, been admitted that a system of election would be difficult to devise in the present position of these Provinces. Although the Provinces are admittedly advancing rapidly, I do not consider that the principle of election should be introduced until the time comes for providing them with a Legislative Council of their own. The proposal of the Government of India that the Province should select one of its "nobles or great landowners" to a seat on the Viceroy's Council is not one which in my opinion can be considered feasible. It would not meet with the approval of the great bulk of the educated classes, and an electorate would be almost impossible to devise. Colonel Colomb has pointed out that if a high standard of revenue-paying status is laid down, the chief electors in his district would be land-grabbing Banias, and the same would no doubt be the case elsewhere in Berar. In the Central Provinces the position to some extent different, but an electorate, of which some of the most important members would be disqualified because their estates are chronically under the Court of Wards, would not make for influence or respect, I would abandon the Government of India's proposal as impracticable.

14. In its place there is nothing that could reasonably be put forward, failing one suggestion which has been made. To abandon the elective principle will cause disappointment in certain quarters, but I do not think that this can be helped. The alternative, to which I have above referred, is to accept a nomination by the Advisory Council for a seat on the Imperial Council. There are admitted difficulties in way of this suggestion. The Advisory Council, instead of being an informal and purely advisory body, is given a definite function of a very important nature, which would not be possessed by the Advisory Councils in other Provinces. The measure would hardly be a concession to the elective principle, since, if anything like the scheme for an Advisory Council which I have outlined were adopted, the elected members would be in a minority. I do not myself think that any right of nomination could properly be given to a body like an Advisory Council. But I put foward the suggestion as it has been made.

15. The appointment of a member of the Imperial Legislative Council is no doubt a matter in which the Chief Commissioner would consult his Advisory Council, and it might be possible to give weight to the views of its members by confining slection to a list of, say, not less than three persons which it might propose. Some arrangement of this nature might possibly prove feasible; it is, so far as I can see, the most that could be done.

No. 1615, dated Raipur, the 19th February 1908.

From—F. A. T. Phillips, Esq., I. C. S., Commissioner, Chhattisgarh Division,

To—The Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appointments Department.

With reference to your letter No. 1929—I-15-24 of 13th September 1907, forwarding a copy of letter No. 2317 of 24th August 1907, from the Goverment of India (Home Department), regarding the formation of an Imperial Advisory Council, the formation of

Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils, and the procedure to be adopted in discussing the Imperial and Provincial budgets and asking for an expression of opinion on the following points:—

(1) The scheme in general, more especially from a Central Provinces and Berar point of view.

(2) The formation of an Advisory Council for the Central Provinces and Berar.

(3) The election of a Central Provinces and Berar member on the Viceroy's Council, the basis for qualification for vote and membership, and method of election.

I have the honour to submit the following remarks:—

2. All the Deputy Commissioners of my Division were consulted on the subject, and it was left to them to consult in turn such individuals and bodies as they might think fit. Replies have been received from Messrs. Mayes and Mahdi Hasan.

3. With regard to the scheme in general, I find it difficult to say much, especially from a Central Provinces and Berar point of view. I am of opinion that the formation of an Imperial Advisory Council would probably be beneficial from the point of view both of the rulers and of the ruled; and it cannot now be said, I think, that the time is not yet ripe for such a measure so far as India, as a whole, is concerned. But it seems to me very doubtful whether the Central Provinces and Berar could at present contribute much, if at all, towards the formation of such a Council. Mr. Mahdi Hasan apparently is of a different opinion. He says:—"The proposals for constitution of the Imperial and Provincial Advisory Councils described in the Resolution leave nothing to improve upon. There is, in my opinion, sufficient material available in the Central Provinces and Berar to recruit members for these Councils." The proposal is to appoint as members of the Imperial Council some of the Ruling Chiefs and some of the territorial magnates of British India, who are hereditary leaders of the people. It seems to me that in the Central Provinces and Berar suitable candidates would with difficulty be found in either class at the present time. With regard to the formation of a Provincial Advisory Council for the Central Provinces and Berar, I shall say more below. With regard to the enlargement of the Imperial Legislative Council it is not proposed to have more than one elected member for the Central Provinces and Berar; and about the method of electing him I shall say more below. The enlargement of the Provincial Legislative Councils does not concern the Central Provinces and Berar, nor does the new method proposed for the discussion of the budgets. I may remark, however, that I think this would probably be an improvement.

4. I turn now to a consideration of the formation of an Advisory Council for the Central Provinces and Berar. I am very doubtful whether such a body could at present be usefully created. Mr. Mahdi Hasan thinks that a Provincial Advisory Council could easily be formed from the Feudatory Chiefs, zamindars, great malguzars, bankers, merchants, Government officials, and members of the legal and teaching professions. To me it seems that the task would be very difficult. All the more responsible officers of Government in the Central Provinces have for a long time past been in the habit of consulting the representatives of the people with respect to administrative measures contemplated or legislation proposed. But the persons selected for this consultation are by no means always the same. They vary according to the particular subject under consideration or the particular class or interest concerned; and they include persons of many creeds, castes and classes. The appointment of an Advisory Council would be a gain, therefore, only if the members composing it were comparatively few in number and could at the same time give advice or information on every subject on which such advice or information might ordinarily be sought. I very much doubt whether such a body could be got together under existing conditions. To take the first two classes mentioned by Mr. Mahdi Hasan, the Feudatory Chiefs and zamindars, I fear that at present it would be difficult to select from them even one individual whose presence on an Advisory Council would be of much use. Doubtless useful advisors could be found in the other classes. But probably the most experienced, widely-informed, and intelligent of them would have little time to spare from their own business, while the knowledge and experience of the rest would probably be limited in range, so that it would be necessary to have a very large body of them in order that some one or more of them might be qualified to give advice on any subject on which it might ordinarily be sought; and then there would be great danger that the Advisory Council would become a somewhat unwieldy body. In this connection I may quote the following remarks made by Mr. Mayes:—"At present local officers make their own selection of the gentlemen who are consulted on matters of public interest, and endeavour to get the opinions of those best qualified to express them; and so long as this procedure is left untouched, there appears to be no objection to adding to the *izzat* of a few gentlemen whose opinion will be worth hearing on certain subjects, but on others will hardly command confidence."

5. With regard to the election of a member for the Central Provinces and Berar to the Imperial Legislative Council, Mr. Mahdi Hasan is of opinion that one member is not sufficient. He says :—"All other provinces except the Central Provinces are allowed two members, one of whom is to be elected by the non-official members of the Local Provincial Councils. That the Central Provinces have no Council of their own is an additional reason why they should have two members on the Imperial Legislative Council and the fact that Berar has recently been added to them makes the case stronger." It does not, however, seem to me quite necessary to make definite provision for a second member for the Central Provinces. Assuming that the Imperial Legislative Council will be constituted in the manner sketched in paragraph 12 of the letter from the Government of India, I suppose that, as a rule, at least one of the officials, referred to against (2) B, would belong to the Central Provinces; and it is possible that one of the non-officials, referred to against (2) E, would also be from the Central Provinces, sometimes if not always. If, however, two non-official members from the Central Provinces were definitely provided for, Mr. Mahdi Hasan thinks that only one of them should be elected, the other being nominated.

6. On the assumption that only one place among the non-official members will be definitely assigned to the Central Provinces and Berar, it is necessary to consider how he should be appointed. Mr. Mayes thinks he should be elected, and Mr. Mahdi Hasan is apparently of like opinion. But neither of them has said anything about the method of election. It seems to me that this is the most difficult question of all. I venture to think that an electorate constituted in the manner proposed in paragraph 14 of the letter from the Government of India would certainly be open to the very objections specified in paragraph 15. Nor am I able to suggest an electorate which would not be open to those or similar objections. I cannot help thinking that for the present the member should be nominated, not elected. I believe myself that the Central Provincss and Berar are likely to make great and rapid progress in almost every way during the next few years; and the time is probably not very far distant, when the province should have its own Legislative Council. When that time arrives, it is probable that questions regarding elections and electorates will be very much easier to deal with. But for the present it appears to me that the appointment of a suitable member for the Central Provinces on the Imperial Legislative Council is far more likely to be secured by nomination than by election. At the same time I am strongly of opinion that the province ought certainly to be represented on the Imperial Council.

7. I have now dealt with the points that I have been asked specially to deal with. But it seems advisable to mention some suggestions made by Mr. Mahdi Hasan with regard to the enlargement of the Imperial Legislative Council. He would add five non-official members to the Council as sketched in paragraph 12 of the letter from the Government of India, of whom 2 would come under D (*c*) (one being elected in Sindh and the other in the North-West Frontier Province), 2 would come under D (*d*) (so that 6 Muhammadans would be elected altogether), and one under E (a member nominated specially for the Central Provinces and Berar). To counterbalance these additions to the non-official members he would add 5 to the additional officials nominated by the Viceroy under B. I have already said that I do not consider it necessary to provide definitely for a second non-official member for the Central Provinces. With regard to the special needs of Sindh and the North-West Frontier Province I am not in a position to say anything. And regarding the proposed increase in the number of elected Muhammadan members I am inclined to think that sufficient provision has been made for Muhammadans in the draft constitution sketched by the Government of India. The following are the remarks made by Mr. Mahd Hasan on the subject of the Muhammadans :—

"The total number of elected members proposed by the Resolution is 18, out of which 2 are reserved for Muhammadans. They feel that it is really very inadequate. It falls short of the ratio which they bear to the population of other communities, not to speak of their political and historical importance: and their case for a larger enfranchisement becomes much stronger when due weight is given to their political and historical worth."

No. 1502, dated Nagpur, the 6th March 1908.

From—J. WALKER, ESQ., C.I.E., I.C.S., Officiating Commissioner, Nagpur Division,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces, Appoinments Department.

With reference to your No. 1929, dated the 13th September 1907, forwarding a copy of the Government of India, Home Department, letter regarding the functions of Imperial and Advisory Councils and other matters, I have the honour to say that I addressed the Deputy Commissioners of Nagpur, Wardha, and Balaghat on the reference and asked for their opinion after consulting the Chairmen of the District Councils and the Presidents of the Head-quarter Municipalities

and any other members of these bodies whom they considered best qualified to give an opinion. The above I thought represented the best available material for obtaining well thought out and expressed opinion on this somewhat far-reaching subject. The Deputy Commissioners' replies were belated, the last not reaching me till after the middle of February.

2. The opinions given are lengthy and difficult to summarise, especially those of Messrs. Khare and Kelkar of Wardha and of Mr. Mulna of Balaghat. There seems to be a general feeling that in any Advisory Councils that may be formed, the hereditary leaders of the people as represented by the territorial magnates would not command the confidence of the people and that membership should not be confined to them; that in order to give a feeling of real responsibility of their position, members of Advisory Councils should meet regularly and should have the power to bring forward subjects for discussion; that in the proposed expanded Imperial Legislative Council these provinces would not be adequately represented, especially in the absence of any Provincial Legislative Council, and that any hard and fast prescription as to the representation in the Imperial Legislative Council of special interests would be unnecessary and apt to cause heartburnings. I enclose a copy of the Deputy Commissioner, Nagpur's letter as it contains in a comparatively small compass a summary of the opinions of several gentlemen whose opinions carry much weight.

3. As regards my own opinion on the measures proposed, I would first say that the proposals do not seem to me to even aim at any real satisfaction of the aspirations of that portion of the people of India who hanker after a larger part in the administration. The formation of fresh bodies whose functions are purely advisory and who can deal only with such matters as may be specifically referred to them, would, I am sure, be regarded by the educated minority as a mere piece of political eyewash and by the rest of the people as a matter of indifference. The Deputy Commissioner of Wardha has said of the proposed Councils that they are not a necessity and that they will only still further complicate legislation by multiplying opinions which would probably be of no very great value. I agree with this view in so far as to hold that for purely consultative purposes our existing machinery is adequate. Our local bodies are duly consulted and leading private citizens have full access to executive officers, while our darbari system may easily be more fully utilized for the purpose of making the measures and motives of Government more fully understood. The defunct or dormant Indian National Congress owed its support amongst a large number of moderate-minded and influential men largely to this desire to possess some public organisation which could discuss administrative measures without the necessity of any previous reference by Government.

Advisory Councils of the type suggested will not meet this wish, and if we are forming new Councils I think we should make some tangible concession to the wishes of a large body of well-disposed and responsible Indians. If proper rules as to the notice to be given of subjects for discussion and as to the forms of procedure to be followed at meetings are framed, *fiascos* like those that attended the meetings of the self-elected and inchoate Congress need not be apprehended. I consider that if Provincial Advisory Councils were possessed of a power of initiative in respect of the selection of subjects for discussion and were empowered, under restrictions, to ask for information from Government, the measure would be appreciated as a genuine concession towards a growing want. Purely consultative Councils without power of initiative are not necessary, and as they represent no real concession I consider that their formation would be politically unwise. I would therefore abandon the proposals in their present form.

4. As the formation of Councils with any power of initiative is quite beyond the present proposals, I will indicate only generally the lines on which I think ultimately any action might be taken. I would not attempt to form Imperial Advisory Councils at all. The Government of India is too remote and impersonal to attempt confidential and intimate consultation with its subjects except through Local Governments and Local Councils. The benefit of direct consultation with, say, two non-official members of such a Council from the Central Provinces would

own. Khan Bahadur Bezonji stated that it was a subject to which he had not devoted sufficient thought, though he said that it was a question which he had heard advocated by many people.

This is relevant to the subject in so far as it is a basis for a view further expressed that the Central Provinces and Berar should have two elected members on the Governor-General's Legislative Council instead of one. Such a concession would require a similar concession to Burma and would add two members to the Council, bringing the non-officials to the number of 27 against 28 officials.

I cannot quite agree that the population or importance of the Province does demand an equal representation to that given to the older Provinces, and to me the formation of a Central Provinces and Berar Legislative Council need only remove the Central Provinces representative from class D (*c*) to D (*b*), where it would be on an equality with Burma. Such a course would indeed be preferable to an attempt to form an electorate from the general mass of the land-holders. I have tried to find a solution to this last problem but without success.

8. In regard to the proposed section E of the Viceroy's Council, the gentlemen whom I have consulted consider that the proviso is unnecessary and lively to cause needless friction between the races of which the Empire is made up. They say that no one would question a nomination of a greater proportion of Muhammadans if the Council as otherwise constituted did not contain a sufficient proportion to present their interests in the Empire, but that Muhammadans may and do come to the Council as elected members, that under class D (*d*) they are to have two specially elected members and that to provide that there must be at least two members under class E, whatever their previous strength on the Council, would appear to show them so much preference as to be regarded by other classes as unfair.

This is a question on which I think it is unnecessary that I should express my personal opinion.

XXIV.

No. 139

Dated the 25th February 1908.

From—The Honorary Secretaries of the Mahajanasabha, Madras,

To—The Secretary to the Government of India in the Home Department, Calcutta.

We have the honour to submit the following representations for the consideration of His Excellency the Governor-General in Council, in regard to the reform proposals.

The Mahajanasabha has been usually consulted on all matters of public importance, and it is a matter for regret that the local Government did not think fit to consult the Sabha on the reform proposals, and no reason has been vouchsafed or is known to the Sabha for this departure from the usual practice.

1. In the letter under reference the object of the proposed administrative reforms is said to be to bring all classes of the people into closer relations with the Government and its officers and of increasing their opportunities of making known their feelings and wishes in respect of administrative and legislative questions. This object is sought to be attained by the formation of Advisory Councils, imperial as well as provincial, and by the expansion of Legislative Councils on certain lines suggested therein. The whole scheme is spoken of as a scheme of constitutional reform devised for the purpose of making adequate provision for representing the landed aristocracy of India, the mercantile and industrial classes, and the great body of moderate men who under existing conditions have, it is admitted, no sufficient inducement to enter political life, and find but little scope for the exercise of their legitimate influence.

2. Towards the realisation of the objects above stated, the first step proposed is the establishment of Advisory Councils. It is said that the Advisory Councils will be instrumental in correcting, "erroneous and often mischievous statements of fact or purpose" imputed to the Governments in India. It is further claimed for them that when established, they will serve not only as a means for free and close consultation between Government and its subjects but also as an agency for the diffusion of correct information upon the acts, intentions and objects of Government.

3. We are decidedly of opinion that Advisory Councils constituted in the manner suggested by the Government of India will not be calculated to fulfil any of the objects of which they are to be called into existence. According to the proposal now made the Advisory Councils are to be composed solely of Ruling Chiefs and territorial magnates. They are to be purely consultative bodies whose business it will be to give advice to the Government, whenever the Government may seek their advice. Regard being had to the main purpose which the Advisory Councils are intended to serve, it is obvious that they must be so constituted that the members thereof will be in a position to speak with authority on behalf of the people and represent to the Government the real sentiments and wishes of the community in regard to any proposed administrative or legislative measure. The Government of India take care to point out that the needs and sentiments of the masses of the people must for the present find expression through those officials or non-officials who are acquainted with their daily life and are qualified to speak with authority on their behalf. But it cannot be said, for a moment, that the Ruling Chiefs and the territorial magnates who alone are privileged to be the members of the proposed Advisory Councils are acquainted with the daily life of the people and are qualified to speak with authority on their behalf. The habits of the Chiefs and magnates are not such as to bring them into anything like close contact with the people at large. They have always been accustomed to a life of comparative seclusion. They have scarcely been known, as a class, to identify themselves with any cause affecting the welfare of large sections of the people or to inaugurate measures for ameliorating their condition. Even granting that these notables may be prepared to exert themselves to ascertain

the requirements and feelings of the people, it cannot be expected that the people at large and the lower classes speak more freely and with greater confidence to them than they will do to the educated men of the middle class, whom they recognise as of themselves and are familiar with and who, they know, are in sympathy with them and are working for them. Moreover Ruling Chiefs as well as territorial magnates are so much under the control of the Government and its officers that it seems most unlikely that they will give free and independent advice, fearless of consequences. The chances are that they will prefer to echo merely the views of the Government and signify their approval of whatever the authority presiding over the deliberations of the Advisory Council may give out.

4. The suggested members of the Advisory Councils are not persons whose daily life brings them in contact with the people, nor do they enjoy, even occasionally, special opportunities of studying their needs and their sentiments. In these circumstances, any view which they may express on proposed administrative or legislative measures can be regarded neither as the opinion of the acredited representatives of the people nor as the deliberately expressed opinion of persons who could and would approach any given question from a thoroughly independent and impartial standpoint. The body of Imperial Councillors—such is the name by which the members of these Councils are to be known—is to have no statutory recognition. That is to say, no Viceroy would be bound to recognise the existence of the Advisory Councils and consult them at regular intervals or for stated purposes. At his option he might take the opinion of the Councillors collectively or individually or might not take it at all.

5. The further disabilities of the Imperial Councillors—for privileges they have none except that of being called by that imposing name—are that they shall enjoy no power of initiative and they shall not let others know what advice they give to the Government on any matter on which they may be consulted. These two conditions will lead to the level of utility of these advisory bodies being always maintained at its minimum. If these bodies enjoy, at least to some extent, the power of initiative, it may be hoped that the members may occasionally come forward with proposals of their own. Under the scheme proposed, no scope is allowed for any member rendering any such useful piece of service. They have *in camera* to impart to the Government their advice on such measures as the Government may think fit to place before them. Again if the members have at any rate to give their advice openly, the proceedings being public, they may be expected to do so with a due sense of their responsibility to the Government as well as to the people. The secrecy of their proceedings would take away all incentive to independent, responsible thinking and would afford the less conscientious members an opportunity of pleasing the Government at the expense of the people, saving themselves from that public odium which an open expression of an unreasonable or an unjust opinion upon some measure of vital importance would expose them to.

6. The formation of the proposed Advisory Councils will, however, undoubtedly serve one object. Since Lord Curzon inaugurated his reactionary policy, repressive measures have followed one after another. The great body of "moderate men" of India referred to in the second paragraph of the Government of India's communication have strongly protested against such measures, and have brought home to impartial and right-minded public men in England the unwisdom of such measures. The Council of notables may easily lend its support to the measures which the Government may introduce from time to time, and whenever the Government may desire to stultify the educated classes, they will be able to do so by pitting against their opinion, the opinion of the august assembly of Imperial Councillors. That the Government should have at their command such means of belittling the opinion of the educated classes seems to be of importance, the democratic party in England, as observed by Mr. John Morley, having been brought face to face with Indian problems and influential sections of Parliamentary members such as Labourites and Nationalists having begun to examine critically into the methods of Government in vogue in the greatest dependency of the British Empire containing no less than a sixth of the population of the globe. If the Advisory Councils are intended for the purpose of stultifying the educated classes, they are eminently fitted to serve that purpose.

7. The most objectionable feature of the constitution sketched out for these Advisory Councils is that Ruling Chiefs shall be included among the members of these bodies. The inclusion of Ruling Chiefs among the members of these bodies is undesirable from every point of view. *In the first place*, they cannot but suffer from a sense of wounded dignity, if they are compelled to sit as Councillors along with the other proposed members of these bodies—by far their inferiors in status and power. *Secondly*, there are no considerations of public goods or expediency justifying the Government of India in insisting upon these personages—who have no direct connection and concern with it—serving on a Council, the function of which is to assist the Government in shaping its policy towards its own subjects. *Thirdly*, that Ruling Chiefs should be reduced to the level of Councillors—under the Government—might lower them in the estimation of their subjects and lead to a weakening of their influence with them. *Fourthly*, the adoption by the Government, at the suggestion of a majority of the Imperial Councillors, of a line of policy or a measure disapproved by one of the Ruling Chiefs would unnecessarily hamper his action in regard to that particular line of policy or measure in his own territory, and might even affect injuriously his relations with his subjects or bring about other unpleasant consequences. *Fifthly and lastly*, there is something inherently repugnant in the notion that Chiefs who in their own dominion would never have to act as Councillors should be made to serve as such under the Government, by reason it must be, of the paramountcy of the British power. It is not however meant that the Government should not in cases that may appear to them appropriate consult any Ruling Chief on any matter of importance to the Government and to the State of which he is the Ruling Chief.

8. If the Imperial Advisory Council, as has been suggested, is to serve as a House of Lords for India, we welcome the measure notwithstanding that there is no House of Commons for us yet. But in order that it may constitute a true House of Lords or an Upper Chamber, the Imperial Advisory Council must not only have statutory recognition, but its constitution, its functions, its place in the framework of the Indian Government, must all be defined by legislation. And its deliberations must be carried on publicly. If these conditions are accepted, the establishment of such a body may be approved of, the membership being confined to territorial magnates within the territories directly under the British rule, as the Ruling Chiefs ought not to be members of even such a body. The formation of such a Council might with more or less propriety be described as a step in constitutional progress, but not of a Council on the lines suggested by the Government of India in the communication under reference.

9. If the Government does not propose to give to India any regularly constituted House of Lords and yet insists on the formation of an Imperial Advisory Council which is to have no legislative sanction and which is to be subjected to all the disabilities above enumerated, the Government must at least modify the constitution thereof by excluding Ruling Chiefs and throwing open the membership not only to territorial magnates, but also to the educated classes. It stands to reason that on this Council must be represented not only territorial magnates who, admittedly, are among "the hereditary leaders of the people," but the present actual leaders who are doing such service to the country as non-official members in the Viceroy's Legislative Council and who belong to that great body of moderate men who, it is admitted in the Government of India's despatch, are at present kept out of their legitimate influence. In fact, instead of resolving to form a rigid body with a roll of registered members, if the Government declared its intention of occasionally inviting selected conferences of non-officials to discuss affairs privately with them, the scheme might be more useful, and as the Council would then be a flexible body, the membership might be added to, reduced or altered according to the needs and requirements of the occasion, and the Government would have an opportunity of consulting privately and informally the representatives of that particular class of people or section of the community whom any proposed measure would affect peculiarly or more closely than the other sections of the subjects.

10. In the scheme of reform under consideration, the Government next deals with the enlargement of Legislative Councils. Two considerations have

mainly guided the Government in suggesting improvements under this head. One is that when the Councils were expanded and the elective principle was introduced in 1892 it was recognised that territorial representation was unsuited to India. The other is that the working of the Indian Councils' Act of 1892 has proved disappointing inasmuch as the non-official members sent up to the Councils (Imperial and Provincial) by election have mostly belonged to the legal profession and have scarcely represented landholders—a defect which the Government points out has been but partially remedied by nomination. Bearing in mind these two considerations, the Government proceeds to draw up a scheme, the immediate result of which will be that the educated classes—the real representatives of the people—will be shut out practically from the confidence and deliberations of the rulers. The ultimate evils that any expansion of the Legislative Councils on the lines suggested is sure to entail are that class will be set against class, sectarian differences will assert themselves again with all their wonted vehemence, and those race and class hatreds which it ought to be the aim of every enlightened Government to obliterate will, under the fostering care of the State, revive again with a force which will baulk all attempts in the future to root them out.

11. As regards the first consideration adverted to above, it is difficult to see who it was that recognised that territorial representation was unsuited to India. All that Lord Lansdowne, who, as the then Viceroy of India, had to carry out the provisions of the Indian Councils Act and frame regulations for the appointment of additional members, said was "I am bound to admit that, to the best of my belief, even those who are credited with opinions of the most advanced type upon Indian political questions have carefully guarded themselves against being supposed to claim for the people of India any system of representation closely imitating the Parliamentary system of Western Europe." It will be remembered that His Lordship made this observation only after adverting to the impossibility of allowing the handful of seats at his disposal in such a manner as to secure representation for the whole country either in respect of geographical areas or in respect of the different communities inhabiting it. Also, a careful perusal of the speeches made and the discussions carried on when the Bill which afterwards become law under the name of the Indian Councils Act passed first through the House of Lords and then through the House of Commons shows that the members of the two Chambers that took part in the deliberations that led up to the passing of the Act assumed that the system of Parliamentary Government such as obtained in England was unsuited to India and that the recognition of the principle that some seats on the Legislative Council should be filled by election did not mean and could not be understood to sanction the introduction of Parliamentary institutious into India. This is all that is suggested in the utterances of the statesmen who pushed the measure through the two Houses. Beyond this, there is no indication that territorial representation was unsuited to India and that all proposals to be made ever after for the reconstitution of Legislative Councils on a wider basis should proceed on the assumption that Indian soil was uncongenial for territorial representation. On the other hand, several of the eminent statesmen that then spoke evinced their utmost solicitude that whatever measures were ultimately resolved upon to have Indian opinion represented on the Legislative Councils must be such as to enable the Government 'to get at the real heart and mind—at the most upright sentiment and the most enlightened thought of the people of India.' Mr. Gladstone, from whose speech this passage is taken and who felt himself justified in looking forwards, as a result of the measure then under consideration, not merely to a *nominal but to a real* living representation of the people of India, also said on that occasion :—"The Indian Government wants men who will give a fair and independent expression of opinion, who will be backed in their opinion by the knowledge that they represent the feelings of hundreds of thousands of their fellow-subjects and truly represent their ignorance and prejudices." If such are the men that are required to convey to the rulers the wishes and sentiments of the Indian people, where is there any part in India where such men are not now available? When introducing the Indian Councils Bill into the House of Commons 15 years ago, Mr. Curzon (then the Under Secretary of State for India) spoke as follows :—"The object of this Bill which it is my duty to explain to the house is to widen the basis and to expand the

function of Government in India; to give further opportunities than at present exist to the non-official and native elements in Indian society to take part in the work of Government and *in this way to lend official recognition to that remarkable development both of political interest and of political capacity which has been visible among the higher classes of Indian society* since the Government of India was taken over by the Crown in 1858. *Every year the number of native gentlemen in India who are both qualified and willing to take part in the work of Government is increasing and every year the advantage of their co-operation increases in the same ratio.*" These were words spoken in the year 1892. In the despatch under reference the Goverenment of India itself bears testimony to the vast improvement in this direction that the country has made during the fifteen years that have elapsed since. The despatch says :—"The extent of the advance that has since taken place in the developement of the educated classes can hardly be judged by statistical test. But it may be mentioned that, within the last twenty years, the number of scholars studying English has risen from 296,000 to 505,000 whilst the number of students passing the annual Matriculation Examination of the Indian Universities has increased from 4,286 in 1886 to 8,211 in 1905 and the number of Bachelors of Arts from 808 in the former year to 1,570 in the latter. *During this period, higher education has penetrated to circles which a generation ago had hardly been affected by its influence.*

12. Such being the case, there can be no reasonable doubt that territorial representation is not unsuited to India and that the non-officials to be sent up by election to the Legislative Councils may represent territorial divisions of British India, and not particular sections or classes or interests. Of course, the representatives elected may come from the educated classes or may come from the landholding and commercial classes who "possessing a material stake in the country and representing the most powerful and stable elements of Indian society—have now become qualified to take a more prominent part in public life." It is the material and not sectarian interests of the people that will largely need the deliberation of the Legislative Councils, and there is, therefore, no reason at all for consisting the Councils on sectarian or caste basis. Seeing, however, that Mohammadan subjects of His Majesty are anxious that thay should have special representatives of their own it is not proposed to raise any objection to such special representatives being nominated or elected to the Council.

13. The second consideration which has guided the Government in making its proposals *re* the expansion of the Legislative Councils is that lawyers have crowded out, from the Councils, landholders. In the opinion of the Government the elective system inaugurated under the Act of 1892 has proved a failure inasmuch as it has given to the legal profession a prominence in the Provincial Councils to which the Government thinks it is not entitled. Throughout the communication, the lawyers are spoken of as belonging to a professional class, and it is stated that they ought not to have more than their legitimate share of representation as belonging to that class? During all these years, what have the Barristers or Pleaders—the representatives of a "professional class"—done to advance the interests of their own profession? Has any Pleader ever introduced a measure the object of which was to aggrandise his own class? Again can it be said that they have done anything, from their place in the Council, to prejudice the interests of landholders? How have the interests of the landholders suffered by reason of the fact that Barristers and Pleaders have succeeded in carrying away most of the elective seats. The truth seems to be—the Government cannot but be alive to it—that Barristers and Pleaders are returned to these Legislative Councils because the work that has to be done by these Councils is legal work. They are, besides, the best educated and the most independent class of people in this country; and having a grasp of legal principles and being acquainted with the practical working of laws, they enjoy special facilities for grappling with the sort of questions that come up for discussion before the Legislative Councils. That the legal element should be somewhat prominent in representative assemblies is not the peculiar feature of the Legislative Councils in India. Nay, at the present moment, in England, the most reponsible Ministers of the Crown

are lawyers. It is, moreover, an established fact that in the House of Commons, in the Chamber of Deputies, in the American House of Representatives, the lawyers are in a majority. Nor should it be forgotten that many lawyers in this country are themselves landholders or ryots, and there is no justification at all for a landowning Pleader who may be on the Council being looked upon merely as a lawyer. Again they are in touch with all grades of society and can afford to be independent in the expression of their views.

14. The scheme of reform does not, however, merely content itself with the denunciation of the influx of Barrister and Pleaders in to the Councils in unduly large numbers. It lays down the principle on which the Legislative Councils are to be re-organized so far as they are elective,—principles the formal recognition of which by the Imperial Government is fraught with the utmost danger to the political well-being and even social advancement of the Indian people. In the proposed scheme it is openly declared that the Councils should be so constituted in respect of non-official members as to givedue and ample representation to the different *classes* and creeds and even castes. It is not desired that such distinctions as really exist should be altogether ignored and that no provision should be made for them, but what is strongly insisted on is that such a policy should not be adopted as will serve to perpetuate and intensify the differences that may exist. Of the evil of such a policy whom need we quote but Mr. John Morely himself? The right Honourable gentleman said the other day when Mr. Laidlaw moved that the statute 21 and 22 Victoria, C. 106, should be so amended as to make it incumbent on the Secretary of State for India to always provide two seats for the natives of India on his Council that his objection to this course was "that the amendment proposed to do the very thing that all wise statesmanship forbade them to do, namely, set up a racial standard. If he accepted his honourable friend's amendment it would be putting into a statute a recognition of fundamental difference of race, whereas all our civilising processes depend upon softening away those differences so far as they could do. On that ground he was unwilling to recognise in a statute such a word as racial."

15. There is, however, hope that the Government may change their policy, because in the despatch we are assured that "the scheme set forth for the enlargement of the Legislative Council is intended to be entirely provisional and suggestive, that it indicates only the main lines upon which, in the unaided judgment of the Government of India, the extension of the Council might be effected and that they reserve to themselves the fullest discretion to modify their proposals in the light of comments and criticisms which those proposals may elicit from the local Governments and the public." Even the main lines are objectionable as pointed out above, and we do hope that the Government will see fit to alter them. In the light of the above remarks, it seems to us, that the Legislative Council of the Governor-General may, in future, be constituted on the following lines.

16. Taking the maximum strength of the Council at 54, one half of the members should be non-officials. Out of the 27 non-official members, 22 may be elected and the rest nominated by the Government. Out of the 22 elected members 2 would represent the Chambers of Commerce of Calcutta and Bombay, and 15 would represent the Provinces of Madras, Bombay, Bengal and Assam, the United Provinces, the Punjab, the Central Provinces, and Burma. Out of these 15 members, only one would represent the Central Provinces, all the other Provinces having two members each. If the Central Provinces be given a Legislative Council, the number of its representatives may be raised to two and that of Burma reduced to one. The other five non-official members are to represent the landholding classes and the Mohammadan community, and they are to be elected by recognised landholding and Mohammadan Associations in different parts of India, the landholding classes being allowed to elect three representatives and the Mohammadan community two. Out of the five non-official members to be nominated by the Government, two may be experts to be chosen by the Viceroy and the other three may also be chosen by the Viceroy to represent minorities to special interests and any special sections of the population or communities which, in the opinion of the Government, require to be specially represented.

XXV

No. 140.

Suggestions on the Councils Reform Scheme of the Government by the All India Muslim League.

The scheme for the creation of Imperial and Provincial Councils as propounded in the Government of India letter no. 2310—2317, dated 24th August 1907, has been under consideration by the All India Muslim League in their session at Aligarh, on the 18th and 19th March 1908, and they beg leave to bring to the notice of the Government their great gratification with the principles on which the scheme is based. The principle of class representation in the Legislative Councils is entirely in accord with the sentiments of the Musalman community in this respect, and its definite recognition and enunciation by the Imperial Government will be hailed with satisfaction by Muhammadans throughout the length and breadth of the Indian Empire. In respectfully offering to Government their sincerest thanks for the new proposals, the League is fully persuaded that they will conduce to the best interests alike of the Government and of the people.

I. Imperial Advisory Councils.

The reasons set forth in the Government of India letter under notice, as to the desirability of establishing an Imperial Advisory Council, are cogent to a degree, and appeal strongly to the Muhammadan community. The League is firmly convinced that the establishment of such a Council will be a step in advance in the political development of the country.

While subscribing freely to the doctrine that appointment to this Council should be by nomination alone, the League regrets that it finds itself unable to agree entirely with the constitution proposed for the Council or with the procedure sketched out for the conduct of its business. The modifications in this respect which the League would venture to suggest are as follows:—

1. The membership of the Council should not be limited to the Ruling Chiefs of the Native States and the territorial magnates of British India, but should be extended to the influential and recognised representatives of important interests in the country such as industry, commerce, the learned professions, etc., which the Government of India have themselves considered of sufficient weight to be entitled to representation on the Provincial Advisory Councils. In this respect the League can find no cogent reason why a distinction of a radical character should be drawn between the Imperial Council and the Provincial Councils; in fact, so far as this aspect of the constitution is concerned, instead of working down from the Imperial to the Provincial Councils, the League would work up to the former from the latter, so as to include in the Imperial Advisory Council the representatives, however small in number, of all the interests which, in view of their relative importance in the country, can legitimately claim representation on the Provincial Councils. In the opinion of the League, the Imperial Advisory Council should be, as the Imperial Legislative Council generally is, in its relation to local Legislative Councils, an epitome of all the interests represented on the Provincial Advisory Councils in the country, for it is then and then only that it will be fit to discharge the great functions, for the performance of which it is proposed to establish it, namely, to act as a faithful exponent of the views and wishes of all races and nationalities, both in British India and in the principal Native States, and to serve as a reliable "agency for the diffusion of correct information upon the acts, intentions, and objects of Government."

2. Whatever decision may ultimately be arrived at as to the strength of the Imperial Advisory Council, the League would respectfully submit that the number of the Ruling Chiefs on it should be one-fourth of the total instead of about one-third, as proposed in the scheme—room being thus made for the representation of the interests advocated in the last paragraph, in addition to those of the territorial magnates.

The League begs further most respectfully to solicit that the Muhammadan community may be granted their due share of representation on the Imperial

Advisory Council and that representation should be "commensurate not merely with their numerical strength, but also with their political importance" and other circumstances.

Paragraph 4 of the Government of India letter recognises in the Imperial Advisory Council a body of advisors "who, while requiring no legislative recognition, and possessing in themselves no formal powers of initiative, would be consulted individually by the Governor-General, and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation, and would be entitled, when no summoned, to offer their counsel on matters affecting the welfare of the people." The League does not see its way fully to endorse this proposal, but thinks on the contrary that the Imperial Councillors should have the power of laying their views, of their own initiative, before the Governor-General on any question which may in their opinion be of sufficient importance to call for such action on their part, and should also possess the right, under proper safe-guards, of eliciting information on any particular subject from the Imperial Government. Unless this power is given the sphere of usefulness of the Imperial Councillors would be greatly limited, and the interest in their work proportionately small. The League would even go a step further in this matter and would suggest that if an Imperial Councillor, while submitting his views to the Government, should express a wish that it may be communicated to the other members of the Advisory Council, Government should circulate them to such members. The All India Muslim League is further of opinion that meetings of the Imperial Advisory Council for collective deliberation should be held at least every other year, and that when so held the proceedings of the Council should not be confidential, but should be made public. This suggestion will not interfere in any way with the right of individual Councillors to communicate their views confidentially to Government.

II.—Provincial Advisory Council.

The League unreservedly accepts the principle of the formation of Provincial Advisory Councils and is firmly convinced that they will be useful institutions, helpful both to the Provincial Administrations and those over whom they have to rule.

III.—Imperial Legislative Council.

The League thoroughly approves of the proposed enlargement of the Imperial Legislative Council, and in this connection endorses the two following principles laid down by the Government of India :—

(a) That the Government should always have in the Council a standing official majority, independent of the minor fluctuations that may be caused by the occasional absence of an official member.

(b) That the Legislative Council should be so constituted in respect to non-official members as to give due and ample representation to the different classes and interests of the community.

The question of setting apart a fixed number of seats on the Council for the Muhammadan community is one of great importance, and the League believes that it only voices the real feeling of the Muhammadan in all parts of India when it states that the proposed reform in the constitution of the Council according to which a number of seats will be specially reserved for the Muhammadans, is viewed with great satisfaction by the community. This reform will not only serve to remove one of the grievances which have been long and sorely felt by Muhammadans in the past, but will also mean the timely recognition by the supreme Government of the sound principle of separate racial representation on the Councils of the Indian Empire, which when fully carried out will tend to solve many of the administrative difficulties of the Government The League, therefore, strongly supports the proposal to allot a fixed number of seats to Muhammadans on the Imperial Legislative Council, though at the same time the League cannot approve of the suggestion to limit this number to four. After making due allowance for the possible return of, say, two Muhammadans (the return of more than two being exceedingly improbable) under

sub-heads (*b*) and (*c*) of head D of the Scheme sketched out in paragraph 12 of the Government of India letter, it is not too much to say that the six Muhammadan members elected and nominated under heads D and E out of her total of fifty-three would scarcely suffice for the adequate representation of the vastly diversified interests of the Indian Muhammadans on the Viceroy's Council. The Government of India having recognised the justice of the Muhammadan claim to a separate representation on the Legislative Councils of the country in the generous reply given by His Excellency the Viceroy to the address presented to him by the Muhammadan Deputation at Simla on the 1st October 1906 (referred to in paragraph 16 of the Government of India letter), the League submits that the representation so conceded should be made adequate. If this is not done, the Government of India will, on the one hand, be accused of partiality to the Muhammadans and will incur the displeasure of those who pin their faith in the wholesale application of Western methods of Government, pure and unadulterated, as the panacea for all the ills to which this country is heir; on the other hand, it will fail to satisfy the just demands of the educated Muhammadans for an adequate representation of their special interests on the enlarged Council Boards.

The League would therefore beg leave to suggest that each of the Indian Provinces should be represented on the Imperial Legislative Council by one elected Muhammadan member, and that the Central Provinces, the North West-Frontier Province and Burma should be included in the list of such Provinces. It need not be pointed out that the Muhammadans constitute a distinct community, not only in the country as a whole, but also in each Province, and those inhabiting the various Provinces have, in addition to their common national requirements, special local interests to safeguard, which are peculiar to themselves and dependant on their geographical situation and other conditions. The country is so large, the various Provinces are so far apart and present such a wide variety of special conditions and needs that for the due and proper representation of each a special and through kuowledge of local circumstances would be essential such as a member from a distant Province is not likely to possess or easily acquire—Madras, for instance, would be very inadequately represented from the Punjab or Eastern Bengal and Assam. In Burma, again, although the Musalman population is small, very large and important commercial interests of that community require representation.

It will be noted that the League has suggested the representation of Provinces by elected members. This is in consonance with the views and wishes of the whole community and of each Province. According to the Government scheme two of the six members to be nominated by His Excellency the Viceroy will be Muhammadans, but to have one Province represented by an elected member and another by a nominated one will not be desirable. Taking everything into consideration, therefore, the League fully endorses the view advocated in the address of the Muhammadan Deputation to His Excellency the Viceroy that Muhammadans be granted the right of returning by election their representatives on the Council.

Finally, the League wishes most earnestly to pray that the Trustees of the Muhammadan Anglo-Oriental College at Aligarh may be granted the right of electing a Trustee as their representative on the Imperial Legislative Council. The college is not merely a Musalman National Centre of Education for the whole of India, but is also the centre of that socio-political movement which has long been known as the "Aligarh movement," which represents the more conservative element in Indian politics, and has a moderating influence on the general tendency to force the pace too much of the political and administrative machinery of the country. Its Trustees are men of light and leading from all parts of India and include among their number both territorial magnates, ministers of Native States, representatives of the learned professions, of the old learning of their race, and of other interests. In fact the college is a microcosmic representation of the Indian Musalman world. Again among its patrons the college counts, on the one hand, many Ruling Princes and territorial magnates, besides the Heads of Departments and high officials of the Government, with whom the Trustees are in constant touch; on the other hand, through the instrumentality

of the Annual Educational Conference, at various important centres, they come in constant and direct contact with all sections and classes of the Musalman community in widely distant parts of the country, and become thoroughl cognisant of their views and sentiments on the problems of the day.

With regard to the electorate for the Imperial Council, the League would make the following additions to those proposed in the scheme :—

(1) Graduates of the Indian Universities of not less than ten years' standing.

(2) The Trustees of the Muhammadan Anglo-Oriental College, Aligarh for the member representing that college.

With reference to the qualifications for electors under head (*c*) of the scheme, the League is in favour of greatly reducing the figures on which income-tax or land revenue must be paid, in order to qualify as an elector, and would suggest the sum of Rs. 5,000 as the annual income for this purpose.

IV.—Provincial Legislative Councils.

With regard to the Provincial Legislative Councils, the League would respectfully suggest that for each Province a definite number of seats should be assigned as the fixed minimum for Muhammadan members, and that the election of these members should be made exclusively by Muhammadan electors. After a careful consideration of their special needs, the League is of opinion that the Muhammadan inhabitants of each Division should be given the right to return one Muhammadan non-official member to the Provincial Legislative Council.

The League is further of opinion that in each Municipality and District Board the number of Muhammadan members should be fixed, and that they should be returned by the Muhammadan electors residing in any particular Municipality, or within the limits of a District Board.

The League would suggest that the qualifications for electors should remain the same as at present and that a rental or income of ten rupees a month should be required as a qualification for a candidate for membership of a Municipal Board. In the case of District Boards, payment of a hundred rupees as land revenue or income-tax should be necessary as qualification for the membership of the District Boards.

Thus the electorate for non-official Muhammadan members of the Provincial Councils would consist of the following :—

1. Muhammadan members of Municipal and District Boards.
2. Muhammadan Fellows of local Universities.
3. Muhammadan graduates of local Universities of five years' standing residing in the Province concerned.
4. Muhammadan landholders paying land revenue on Rs. 3,000 per annum.
5. Muhammadans paying income-tax on Rs. 3,000 per annum.

(Sd.) M. MUSHTAQ HUSAIN (VIKAR-UL-MULK),
Retired Honorary Secretary, All India Muslim League.

(Sd.) H. M. MUSA KHAN,
for SYED HASAN BILGRAMI,
Major, I.M.S., Honorary Secretary,
All India Muslim League.

ALIGARH ;
24th March 1908.

(Sd.) HAJI MUHAMMAD MUSA KHAN,
Honorary Joint Secretary, All India Muslim League.

XXVI.

No. 141.

Dated Patiala, the 15th May 1908.

Demi-official from—ABDUL MAJID KHAN, COLONEL, K.B..K.-i-H., Honorary General Secretary, Anjuman-i-Islah-i-Rajputan-i-Hind, *i.e.*, All-India Rajput Conference, (Trustee, M. A. O. College, Aligarh), (Member of the Nabwatul-Ulama, the representative body of the Maulvies of India) (Member of the All-India Muslim League),

T—LIEUTENANT-COLONEL J. R. DUNLOP SMITH, C.I.E., Private Secretary to His Excellency the Viceroy.

As the Government of India have been pleased to take into consideration the question of giving the people of India wider opportunities of expressing their views on administrative matters, by the creation of an Imperial Advisory Council, I beg leave to say few words about the Anjuman-i-Islah-i-Rajputan-i-Hind, the representative Anjuman of the most important and heroic nation of India, the Rajputs.

2. The Anjuman-i Islah-i-Rajputan-i-Hind (All-India Rajput Conference) is the only Anjuman in India in which all classes of the nation, the rich, the poor, the soldier, the civilian, the learned barrister, the untutored peasant, all take equal interest and claim equal connection.

3. At present the Anjuman has members in the Punjab, the United Provinces, Sindh, Rajputana, Quetta, etc., and the number is rapidly increasing.

4. The following are Patrons of the Anjuman: Of our own nation the Hon'ble Nawab Sir Mohammad Fayyaz Ali Khan, K.C.I.E., C.S.I. of Pahasu, Aligarh District. And the Anjuman is proud of the patronage of—

(1) His Honour the Lieutenant-Governor, Punjab,

(2) His Excellency the Commander-in-Chief,

(3) His Honour the Lieutenant-Governor of the United Porvinces of Agra and Oudh, and

(4) Sir H. H. Risley, K.C.I.E., C.S.I., C.I.E., Secretary to the Government of India, Home Department.

5 According to the Census of 1901, the number of Rajputs is 9,712,154 of which 1,875,387 are Musalmans, 6,813,622, are Hindus, and the rest are Christians, Sikhs, Budhists, Jains, etc.

6. Every Rajput, without distinction of sect or religion, can be a member of the Anjuman, and in fact it has among its members men of diffrent religions—Mohammadans, Hindus, Sikhs, etc. Therefore, it is a fact that this Anjuman is working as a true representative of the whole Rajput nation.

7. The Anjuman not only aims at the good of the nation, but one of its foremost and cherished object is to prepare Rajput youths for loyal devotion and self-sacrifice in the Military service of the King-Emperor.

Along with its endeavours to spread education, the Anjuman keeps fresh in the minds of the nation the feelings of gratitude for the benign blessings of the British rule, which it considers one of its best objects.

The Anjuman has been unusually successful in the realisation of the above two objects.

It has on its registers the names of nearly 1,200 Rajput youths, who are ready to sacrifice their lives in the Military service of the Government.

It has distributed gratis, in various parts of the country, many thousands of English and Vernacular copies of articles inculcating loyalty and devotion to the Government, the perusal of which has never failed to convince the reader of his being bound to be faithful to the Government. These articles were appreciated all over the country and were considered models of teaching.

8. Having given above a short account of the Anjuman, I beg leave to state that in order to make the Anjuman more useful and serviceable a little benign attention on the part of the Government is needed, and that is, that one of the Office-holders of the Anjuman may be nominated a member of the Imperial Advisory Council,—which will not only evoke deep feeling of gratitude in the hearts of the nation towards the Government, but will also be the cause of great success in the achievement of the Anjuman's objects.

9. I most respectfully beg to annex herewith a copy of resolution No. 10 passed in the second Anual Meeting of the Anjuman held on the 16th and 17th March 1908.

10. It would have been quite easy to submit this request in the shape of a memorial ending with a long roll of signatures and seals, but the Anjuman has decided to adopt a course of approaching the Government that may never result in any sort of agitation. They have decided to make all their representations through their Secretary only, because if their requests are granted it will be a matter of gratitude of the nation towards the Government, but if otherwise, the result will remain with the representative of the nation, who will not publish it as doing so might dishearten the nation.

11. The Rajput nation, besides being born soldiers, are proud of the fact that almost every one of them is a land-owner, although unfortunately some of the land has passed out of their hands owing to adverse circumstance. To better their circumstances and to make themselves more serviceable to the Government, they will have representations and suggestions to lay before the Government, which they cannot do properly unless they are represented on the Advisory Council.

12. The Rajput nation is scattered over all parts of India, and the only place for them to approach is the gracious door of the Government of India. Therefore, I beg to lay this application on the part of the nation before you with the hope that you may be good enough to move in the matter, and oblige the greatful nation of the Rajputs.

Apologizing for the trouble.

Resolution No. 10 passed at the Annual Meeting of the Anjuman-i-Islah-i-Rajputan-i-Hind (the All-India Rajput Conference), held on the 16th and 17th March 1908.

Proposed by Mr. Fazl Husain, B.A., Bar-at-Law, Fellow of the Punjab University, and seconded by Munshi Siraj-ud-Din Ahmad, Zamindar of Karmabad (District Wazirabad), Editor and Proprietor *The Zamindar*, and by Mian Husain Bakhsh, Pensioned District Judge, passed unanimously :—

"This meeting expresses, on behalf of the nation, their sincere thanks to Colonel Mohammad Abdul Majid Khan, K.B., K.-i-H., the Founder and Honorary General Secretary to the Anjuman, for his deep sympathy with, and devotion to, the nation, and for his labours in founding the Ajuman, and for the great trouble and expenses borne by him for the progress and stability of the Anjuman. And all present here who have come to represent the nation from different parts of India declare Colonel Mohammad Abdul Majid Khan on their own part and on the part of those absent to be the representative of the nation. They all assure him that the nation is exceedingly grateful to him and has full confidence in him, and believes that all his actions will be for the good of the nation.

XXVII

RESOLUTIONS. No. 142.

PASSED AT THE SECOND UNITED PROVINCES CONFERENCE HELD AT LUCKNOW ON THE 2ND MARCH 1908.

RESOLUTION 1.

Laid down certain rules for the conduct of business.

II.—PANDIT BISHAMBHAR NATH.

Pandit Bishambhar Nath.

That this Conference places on record its sense of profound sorrow at the death of Pandit Bishambhar Nath, whose high character and many public services endeared him to, and earned for him the respect and gratitude of, the people of the United Provinces.

III.—'REFORM' PROPOSALS.

Reform proposals.

(*a*) That in the opinion of this Conference, the reform proposals outlined in the Government of India's letter of the 24th August, 1907, entirely fail to meet the requirements of the country, and, while they do not mark any real advance in the direction of associating the representatives of the people with the Government and giving them an effective voice in the administration, the proposals are retrograde in many respects, and stand in need of considerable modification before they can at all satisfy the legitimate aspirations of the people.

(*b*) That this conference deeply regrets that the Government should have thought fit to introduce into their letter certain statements which betray a prejudice against the professional classes, and that it emphatically protests against the theory of 'counterpoise' to their influence as being utterly uncalled for and harmful.

(*c*) That in the opinion of this Conference the association of Ruling Chiefs with the Councils of British India is wrong in principle and attended with several disadvantages in practice, and the proposals of the Government of India in this behalf should therefore be abandoned.

(*d*) That this Conference is of opinion that the real need of the country is not the creation of purely consultative bodies endowed with no power and no responsibility, such as the Advisory Councils proposed by the Government will be, but the admission of Indians into the Executive Councils, Imperial and Provincial—these being established in all large provinces,—and the enlargements of the functions of the Legislative Councils so that any matter relating to internal administration may be referred to them.

(*e*) That in case the Government should decide to establish Advisory Councils, this Conference is of opinion that they should be constituted on the lines stated below :—

1. they should receive legislative recognition ;
2. they should include representatives of the middle and professional classes besides territorial magnates, the former being at least one-half of the total strength of the Council ;
3. not less than one-half of these members should be elected ;
4. the Councils should be convened by the Government at least once a year as well as on the requisition of a specified number of members ;
5. the members should have the power to advise the Government on any question of public interest on their own initiative ;

6. in every case in which two-thirds of the Members of the Council should vote against a measure, it should be postponed for a year for reconsideration, unless the Governor-General in Council should declare that the matter is emergent:

7. the proceedings of the Councils should be formal and public except when for reasons of State this is considered inexpedient;

8. a non-official member should be the President of the Advisory Councils as that will encourage a free and frank expression of opinion.

(*f*) That in the opinion of this Conference, territorial representation has not proved a failure, is not unsuited to India, and ought not to be abandoned in favour of race and class representation as proposed by the Government.

(*g*) That this Conference urges that the assignment of seats should be made, not as proposed by the Government by creating separate constituencies based on race, caste or religion, but by fixing the number of members of each class which the general electorate must return to the Council.

(*h*) That in the opinion of this Conference the principle of a standing official majority is not essential for the maintenance of the necessary authority of Government, and is calculated to affect injuriously the power and usefulness of the enlarged Legislative Councils whether as proposed by the Government of India or as desired by the country.

(*i*) That in the opinion of this Conference the Imperial Legislative Council should be constituted as follows:—

1. The Governor-General and members of the Executive Council .	8
2. The Lieutenant-Governor of Bengal or the Punjab . . .	1
3. One official from each of the eight Provinces—Bombay, Madras, Bengal, the United Provinces, the Punjab, Burma, Eastern Bengal and Assam, and the Central Provinces and Berar .	8
4. Heads of Imperial Departments	10
5. The Advocate-General of Bengal	1
Total officials . .	28
6. Representatives of European trade and commerce to be elected .	2
7. Representatives of Indian trade and industry to be elected . .	2
8. Representatives of Zamindars to be returned by the general electorate	8
9. Mahomedan representatives to be returned by the general electorate	2
10. Representatives of non-official members of the Municipalities of the eight Provinces named in (3) to be elected by voting delegates	8
11. Ditto of District Boards, ditto	8
12. To be elected by the non-official Fellows of the five Indian Universities, one for each University	5
13. Non-officials to be nominated	4
Total non-officials . .	39
Grand Total . .	67

(*j*) That this Conference is emphatically of opinion that to give an adequate representation to the people, the United Provinces Legislative Council should

be constituted on the lines laid down in resolution I* of the First United Provinces Conference, held at Allahabad in March 1907. But if the Government are not prepared at present to give effect to that proposal, the Council should be constituted as follows:—

1. The Lieutenant-Governor	1
2. Members of the Board of Revenue	2
3. Secretaries to Government	5
4. The Legal Remembrancer and the Government Advocate	2
5. Heads of Departments	8
6. Commissioners of Divisions	9
Total officials	27
7. To be elected directly by the people on a restricted franchise at the rate of two members for each Division	18
8. To be elected by the Municipal Boards of cities with a population of 100,000 or more, at the rate of one each	7
9. To be elected by the land-holders of Agra (2) by the land-holders of Oudh (1), by the British Indian Association of Oudh (1), and by the Land-holders' Association of Agra (1)	5
10. Mahomedan representatives to be returned by the general electorate	2
11. To be elected by the University of Allahabad	1
12. To be elected by representatives of European trade, commerce, industry and capital	2
13. To be elected by representatives of Indian trade, commerce, industry and capital	2
14. Non-officials to be nominated by Government	4
Total Non-officials	41
GRAND TOTAL	69

(*k*) That the electorate for returning representatives of division to the Provincial Legislative Council should consist of—

1. all who pay land revenue of ₹1,000 or more;
2. all payers of income-tax;
3. all graduates of five years' standing;
4. all members of Municipalities and District Boards, Honorary Magistrates and Honorary Munsiffs.

(*l*) That this Conference is of opinion that no 'proprietary qualification' should be required from candidates for election as is proposed in the local Government's letter of the 7th October.

(*m*) That this Conference, while it appreciates the desire of the Government to improve the character of the Budget debates in the Imperial and Provincial Legislative Councils, is strongly of opinion that the Budgets should be laid before the Councils in the form of financial proposals and non-official members given the right to move amendments to and advise the Councils on them.

*That in the opinion of this Conference the time has arrived for a further expansion and reform of the United Provinces Legislative Council, so as to make it more representative of the people; due provision being made for making up any defieiency in the representation of minorities when necessary. This Conference urges (1) that the number of the elected members of the Council be increased so as to give one representative to each district, and that (2) power be given to them to move amendments to the financial proposals of the Government and divide the Council on the Budget. This Conference is further of opinion that the Council should meet at least once in three months.

(*n*) That this Conference is of opinion that non-official members of Legislative Councils should be empowered to put supplementary questions arising out of answers to their interpellations at the same meeting of Council.

(*o*) That the Provincial Legislative Councils should meet at least once in three months; and further, that meetings of the Imperial as well as the Provincial Legislative Councils should be convened on the requisition of a stated proportion of the members for the discussion of a definite matter of urgent public importance which comes within the purview of the Councils.

(*p*) That this Conference is opposed to raising the property qualification of voters or members in the case of Municipal Boards as is proposed in paragraph 21 of the Government of India's letter.

Proposed by Pandit Bishan Narayan Dar, Lucknow.

Seconded by Shaikh Yusuf Husain Khan, Lucknow.

Supported by Nawab Sadiq Ali Khan, Lucknow.

Babu Ram Chandra, Lucknow.

Mr. Ali Mahomed, Gorakhpur.

Babu Narayan Prasad Ashthana, Agra.

Dr. Tej Bahadur Sapru, Allahabad.

IV.—Decentralization.

Decentralization.

That this Conference is of opinion that in order to make the system of Government 'better adapted both to meet the requirements and promote the welfare of the different provinces and to bring the executive power into closer touch with local conditions,' it is essential—

(1) that there should be two Indian members on the Executive Council of His Excellency the Viceroy and Governor-General of India;

(2) that Indian members should also be appointed in the Executive Councils of the Governors of Madras and Bombay;

(3) that Executive Councils should be appointed to help the Lieutenant-Governor in provinces under the administration of Lieutenant-Governors and provision should be made for the appointment of Indian members in such Councils;

(4) that the system of election of members to the District Boards now prevailing in the United Provinces should be modified so as to extend the franchise to every person paying Government revenue in the sum of R500 or income-tax;

(5) that District and Municipal Boards should be invested with larger financial and administrative powers and the existing official control over them relaxed;

(6) that District Administrative or Advisory Councils should be created with elected and nominated members and with specific functions and powers; and

(7) that village *panchayets* should be revived and 'given some powers in the disposal of local affairs relating to revenue, police, sanitary, educational and other matters such as the disposal of petty criminal and civil cases.'

Proposed by Pandit Govind Sahai Sharma, Agra.

Seconded by Shaikh Faiyas Ali, Shahabad.

V.—Famine.

Famine.

(*a*) That this Conference expresses its appreciation of the action of the Government in distributing *takavi* and organising relief measures with promptitude and liberality.

(b) That in the opinion of this Conference it is highly desirable that timely and adequate remissions of land revenue should be granted in the areas affected by drought.

(c) That a view of the frequent occurrence of famine in these Provinces and the utility of irrigation works as affording permanent protection to the people, this Conference is of opinion that there should be a greater outlay of the public revenues on them.

(d) That with a view to effect a material improvement in the condition of the agricultural classes, this Conference earnestly urges the extension of a Permanent Settlement of the land revenue demand to these Provinces.

(e) That in view of the hardships imposed on the lower middle classes and the masses by the general rise in the prices of the necessaries of life, this Conference urges the appointment of a Commission to investigate into its causes and to recommend remedial measures.

(f) That his Conference desires to draw the attention of the public to the advantages of co-operative grain stores as palliatives of the evils of famine, and hopes that earnest efforts will be made to promote the growth of Co-operative Societies and to develop them particularly in the direction suggested above.

Proposed by Pandit Gokaran Nath Misra, Lucknow.

Seconded by Pandit Ikbal Narain Masaldan, Lucknow.

Supported by Babu Ganga Prashad Varma, Lucknow.

VI.—Public Health.

Public Health.

(a) That while noting with satisfaction the proposals to organize a Sanitary Service for the whole country, this Conference desires respectively to impress on the Government the supreme necessity of expending a much larger proportion of the State revenues on the sanitation of both urban and rural areas, the construction of large sanitary works of permanent value for water-supply and drainage, the opening up of congested areas and the improvement of the housing of the people, and the more adequate provision of medical relief, as the only certain means of reducing the appalling mortality from epidemic and other diseases and of generally improving the public health.

(b) That while this Conference appreciates the action of Government in relieve ing District and Municipal Boards of direct plague charges and otherwise improving their financial position, it re-affirms the resolution passed by the last Conference that large special grants should be made to them for expenditure on sanitation and medical relief as their normal resources are utterly inadequate for the efficient performance of these duties.

Proposed by Babu Ganga Prasad Varma, Lucknow.

Seconded by Dr. H. D. Pant, Lucknow.

VII.—Education.

Education.

(a) That this Conference urges that the privilege of electing a certain number of Fellows of the Allahabad University should be conferred on graduates who should be registered under the University Act.

(b) That this Conference urges that the recommendations of the Female Education Committee of 1904 should be carried out without further delay.

(c) That this Conference is of opinion that a much larger proportion of the State revenues should be spent on education in all its branches.

(*d*) That this Conference hopes that the proposal of the Government of India to make primary education free will be carried out soon, and, further, that it will be made compulsory in selected areas by way of a beginning.

(*e*) That while agreeing in the main with the reforms proposed to be introduced in Secondary Education, this Conference is strongly of opinion that in view of the exceptional backwardness of these Provinces in education, the Government should make a substantial increase in grants to strengthen existing aided English Secondary Schools and encourage the establishment of new ones; further, that the Government should not be content with maintaining one high school in every district (Naini Tal not excluded), but should establish and maintain such schools at other important centres of population wherever needed.

(*f*) That this Conference strongly supports the protest lodged by the Secondary Education Committee against the declaration of the government of India that the whole cost of improving Secondary Education must fall upon Provincial revenues, and it earnestly appeals to them to make a substantial grant-in-aid of the same.

(*g*) That this Conference thanks the Government for the proposal to provide for practical instruction in science, manual training, and commercial and technical courses in Secondary Schools.

(*h*) And, lastly, that having regard to the fact that education lies at the root of all national progress and to the magnitude of the work which has to be done to secure its blessings to the vast mass of the people, this Conference earnestly exhorts the nation to strengthen existing institutions of their own and to establish independent new ones for imparting instruction in all branches of learning, on lines best calculated to develop the intellect, the physique and the character of Indian youth and to train them for the practical requirements of the country.

Proposed by Babu Iswar Saran, Allahabad.

Seconded by Babu Brahmanand Singh, Lucknow.

Supported by Dr. Tej Bahadur Sapru, Allahabad.

Shaikh Nasir-ud-din, Benares.

VIII.—JUSTICE.

Justice.

(*a*) That this Conference strongly urges that the separation of Judicial from Executive functions should be effected without any more delay, and, should it be decided to introduce the reform in certain selected areas by way of a beginning, that some districts in these Provinces should be so chosen.

(*b*) That this Conference notes with satisfaction the appointment by the Government of a Committee to enquire into and to report about the redistribution of Judical work in these Provinces, and earnestly urges upon the Government that in view of the state of heavy work prevailing in the Civil Courts of many districts a substantial increase should be effected in the cadre of the Provincial Judical Service of these Provinces and their prospects put on a better basis.

(*c*) That in the opinion of this Conference the time has come for throwing open a larger number of District Jugeships to members of the Provincial Judicial Service and for appointing them to the four posts already reserved for them; and that some of the Judgeships should be filled up by direct appointment from the members of the legal profession.

(*d*) That this Conference expresses its sense of satisfaction at the appointment of a second Indian Judge on the bench of the High Court at Allahabad, and earnestly hopes that an Indian Judge will be appointed in the Court of the Judicial Commissioner at Lucknow at the earliest opportunity that may occur.

Proposed by Hon'ble Pandit Sundar Lall, C.I.E., Allahabad.

Seconded by S. Sinha, Esq., Allahabad.

Supported by Babu Bisheshar Nath Sirivastava, Lucknow.

" Babu Purushottam Das Tandan, Allahabad.

XI.—The Swadeshi Movement.

The Swadeshi movement.

That this Conference looks with great satisfaction on the steady progress of the Swadeshi movement and calls upon the people earnestly to labour for its success by stimulating the production and consumption of Indian goods by using them in preference to foreign goods even at some sacrifice.

Proposed by Mr. A. P. Sen, Lucknow.

Seconded by Babu Lal Behari Singh, Fyzabad.

Supported by Mr. Fazul Husain, Aligarh.

IX.—Kumaun Affairs.

Kumaun affairs.

(*a*) That this Conference is thankful to Government for the prompt consideration it has given to the prayer of the people of Kumaun, for the extension of the jurisdiction of the Allahabad High Court to civil matters in Kumaun, and earnestly hopes that it would be pleased to take early steps to grant that request.

(*b*) That while this Conference places on record its sense of appreciation of the action taken by certain District officers of Kumaun to mitigate the suffering of the people of Kumaun in the matter of *kuli-utar*, *begar* and *burdaish*, it feels convinced that abuses of a serious character will continue and a crying grievance remain unremedied, until Government takes action in the terms of the Government Order of 19th October 1816, and entirely abolishes this pernicious system.

(*c*) That the present forest policy of Government in the matter of the management and control of civil forests (and waste lands) of Kumaun subjects, the people to serious hardships and this Conference requests the Government to make liberal modifications in that policy to ensure to the people a continued enjoyment of their immemorial rights.

Proposed by Pandit Badri Dutt Joshhi, Almora.

Seconded by Pandit Lakshmi Dutt Pande, Almora.

XI.—Recruitment of Deputy Superintendents of Police.

Recruitment of Deputy Superintendents of Police.

That this Conference notes with regret that the rules permitting the direct appointment of graduates in certain proportion to the post of Deputy Superintendents of Police in the United Provinces have been cancelled, and that in lieu thereof, any person whom the Government may consider fit has been made eligible for appointment. The Conference earnestly requests the Government to restore the old rule.

XII.—Pilgrim Tax.

Pilgrim tax.

That this Conference enters its protest against the imposition of a pilgrim tax on pilgrims coming to Ajudhia and Hardwar as unjust and wrong in principle

and urges that it should be abolished at once, and hopes that the proposal to impose a similar tax at Benares will not be sanctioned.

(*Put from the Chair.*)

XIII.—Re-affirmation of Old Resolutions.

Re-affirmation of old Resolutions.

That this Conference re-affirms the Resolutions passed by the last Conference in support of the restoration of the limited competitive test for the Provincial Civil Service and the larger employment of Indians in the superior offices of the public service (VIII); the abolition of the *Begar* and *Rasad* systems (XI); the better treatment of pilgrims and other third class passengers (XII); and the introduction of some much needed reforms in Excise administration.

(*Put from the Chair.*)

XIV.—Meeting Place of the next Conference.

The next Conference.

That the Third United Provinces Conference be held at Agra at such time in the year 1909 as the Executive Committee of the United Provinces Association may decide.

Proposed by Babu Narayan Prasad Ashthana, Agra.

MADAN MOHAN MALAVIYA,

President of the Conference.

XXVIII.

No. 143.

Demi-official, dated Calcutta, the 18th March 1908.

From—Lieutenant-Colonel J. R. DUNLOP-SMITH, C.I.E., Private Secretary to His Excellency the Viceroy,

To—Sir HERBERT RISLEY, K.C.I.E., C.S.I., Secretary to the Government of India, Home Department.

I am directed to forward to you a copy of a letter from Mr. R. C. Dutt and its enclosure in original. I have told Mr. Dutt that he may have a chance of discussing his scheme with you in Simla.

Demi-official, dated the 11th March 1908.

From—R. C. DUTT. Esq., Member of the Royal Commission on Decentralization,

To—Lieutenant-Colonel J. R. DUNLOP-SMITH, C.I.E., Private Secretary to His Excellency the Viceroy.

Accept my thanks for your kind letter of the 2nd March. On receipt of it I noted down, very briefly and hastily, my ideas about Provincial Legislative Councils, and I take the liberty of enclosing a few copies herewith in print. I shall be greatly obliged if you will, with His Excellency's kind permission, place them in the hands of the officer who may be chosen to deal with the question, so that the scheme may receive such consideration as it may deserve. I venture to hope that, in a general way, it will receive His Excellency's approval.

According to our latest plan we come up to Simla on the 1st and 2nd April, and I hope to have an opportunity of personally explaining my scheme, as the written notes do not, and cannot, fully convey all my reasons and ideas.

I have seen much of the different Provinces of India within the last four months, and met the leading men in each Province. Apart from my scheme of Provincial Councils there are one or two other matters of a general nature, regarding the present situation, which I would like to lay before His Excellency the Viceroy, if he can kindly spare half an hour any day during the time I shall be at Simla.

Demi-official, dated Camp Peshawar, the 26th March 1908.

From—R. C. DUTT, Esq., Member of the Royal Commission on Decentralization,

To—Sir HERBERT RISLEY, K.C.I. E., C.S.I., Secretary to the Government of India, Home Department.

Colonel Dunlop-Smith informs me that he has kindly sent on to you a copy of the rough scheme which I submitted to him about the proposed expansion of Provincial Legislative Councils. And I hope you will be able to give me half an hour some day during the first week of April at Simla, so that I may have a chance of talking over the matter with you.

My scheme is only a suggestion, like many other suggestions which the Indian Government has invited and received from many quarters. I have, therefore, not entered into any details, but have only tried to make myself clear on one principal point.

The inadequate representation of the Mahomedan community on District Boards, Municipalities, Provincial Councils, etc., has received the attention of the Indian Government; and the Mahomedans have, very rightly, asked for a proper representation. This can be effected in two ways.

Firstly by class representation. Voters in villages, towns, District Boards, etc., may be asked to vote by class or sect, each class returning the number of representatives which it may be considered entitled to elect. This method will have the effect of importing our social differences into civic and political life, and will accentuate and embitter our differences. And as classes and sects

are numerous in India, the special privilege of voting by class, which may now be conceded to the Mahomedans, will undoubtedly be claimed hereafter by Christians and Brahmos,—by the Vaisyas of North India and the Arya Samajists of the Punjab, by Parsis and Jains in Bombay, by the Sudras of Madras and even by Kaibartas and Nama Sudras in Bengal. Once the Government admits the principle of representation by class and sect, it will foment vague and dangerous aspirations in all sects and castes, it will accentuate social differences, and will launch into complications the end of which no man can foresee.

The *second* possible method is territorial representation (as at present) supplemented by appointment of members (by election or nomination) to secure proper representation of inadequately represented classes. This will leave the entire power in the hands of the Government which may be trusted to hold the balance evenly, to help minorities, and to adjust inequalities.

You, Sir Herbert, know more about classes and castes and sects than any other man in India; and at this critical time in our history you have the proud privilege of indicating how a system of larger representation can be devised. I sincerely trust that the country will have reason to be grateful to you for a system which will work smoothly and harmoniously for years and generations to come.

We come to Simla on the 1st April and I shall be stopping at the Grand Hotel.

G. P. I.—No. 1421 P. W. D.—8-12-1908.—C. T—60

SCHEME FOR THE EXPANSION OF PROVINCIAL LEGISLATIVE COUNCILS.

RULE 1.—Each District, except in the backward and sparsely populated tracts, should elect one Member, the election being made, as at present, by the elected Members of the District Board and the Municipalities in the District.

Illustration.—East Bengal and Assam has 27 Districts; but excluding Hills and Hill Tracts there are only 22. Out of these, the six Districts of the Assam Valley Division are sparsely populated, having a total population which is less than that of Dacca District. These six Districts, therefore, should elect one Member only. Similarly the two Districts of the Surma Valley Division (excluding Hills) have a total population about equal to that of Dacca District. These two Districts should therefore return one Member. The total number of Members elected in East Bengal and Assam will therefore be: four for Dacca Division, seven for Rajshahi Division, three for Chittagong Division, one for Assam Valley Division and one for Surma Valley Division—total *sixteen* Members elected to represent a population of over *thirty millions.*

RULE 2.—If, as a result of this election, any classes of the community are inadequately represented, Government shall have the power to appoint Members from such communities, either by selection, or in accordance with the opinions of such communities obtained in such manner as Government may think fit.

Illustration.—Supposing out of the sixteen Members elected under Rule 1, twelve are Hindus and only four are Mahomedans, Government shall have the power to appoint, say, eight Mahomedan Members, either by selection, or in accordance with opinions obtained from the Anjumans of the different districts.

Supposing, again, that no Europeans are returned under Rule 1, Government shall have the power to appoint, say, two European Members, either by selection, or in accordance with opinions obtained from the tea-planters of Assam and the merchants of Chittagong.

RULE 3.—Government shall also have the power to appoint officials as Members of the Council. Members appointed under Rules 2 and 3 shall form a clear majority over the Members elected under Rule 1.

Illustration.—Supposing 16 members are elected under Rule 1, and 10 Members are appointed under Rule 2, Government shall have the power of appointing, say, 10 official members, so that the total number appointed under Rules 2 and 3 shall be 20 as against 16 elected under Rule 1. The total number of Members will thus be 36, besides the Lieutenant-Governor, who will be *ex-officio* President.

RULE 4.—Besides Legislative work the Council shall also have the power to discuss and settle the annual Provincial Budget, taking the separate heads of income and expenditure separately, and Members shall have the right of demanding a division whenever there is difference of opinion.

Note.—The Provincial Government shall have the power at any time to modify the Budget thus settled by the Council, if such modification be called for by the rules or orders of the Imperial Government, or by grave administrative necessity. An intimation of such modification shall be given to the Council at the earliest possible opportunity.

RULE 5.—Important administrative measures or acts may be brought up in the Council, either for elucidation of objects and reasons, or for explanation of facts, or for discussion, either at the instance of the President himself, or on a requisition signed by not less than a fourth of the Members of the Council. The President shall have the power to reject such requisition if, in his opinion, the debate asked for is likely to be attended with grave political or administrative inconvenience.

Illustration.—When public feeling is excited by orders passed by Government for the prevention of plague, it will be open to the President of the Council to introduce a full debate on the subject, both for the purpose of explaining the objects and reasons of such orders, and for the purpose of enlisting the co-operation of the people. Similarly, when the conduct of the police in regard to a public gathering has caused general indignation or alarm, it will be open

to the Members of the Council, numbering not less than a fourth of their total number, to submit a joint requisition to the President to permit an early debate, both for the elucidation of facts and for the removal of any just grievance.

Explanatory Notes.

The five Rules given above are merely intended to indicate the lines on which Provincial Legislative Councils may be enlarged and expanded to suit present requirements; they are not intended by any means to be a complete or comprehensive scheme.

The idea of creating electorates and holding elections on the basis of castes, creeds and ranks has been abandoned. England has ruled India for over a century on principles of absolute neutrality and impartiality in regard to castes and creeds. Those principles cannot now be discarded.

It is under British Rule, and in British schools and colleges, that we have slowly learnt to disregard caste and creed distinctions in our civic life. Hindu, Mahomedan and Christian have been educated in the same institutions, worked in the same offices, sought the votes of the same constituencies, and stood by each other on the same platform and in the same Council Chamber. Remaining apart socially, we have learnt to ignore caste and creed distinctions in civic and political work. It is not for the British Government now to undo its past work and to accentuate, and perhaps embitter, our social differences by making them the basis of political distinctions.

European Governments in the present day do not form separate electorates for Protestants and Roman Catholics; they wisely ignore religious distinctions in shaping their political and civic institutions. To create electorates or hold elections in India according to caste and creed would be attended with greater danger in the future than in any European country. It would be fanning the embers to a flame which might, under unforeseen and unfortunate conditions, leap to a conflagration. It would be creating jealousies, hatreds and evil passions in every village and in our every-day life. It would be teaching us to disunite, to vote according to religion, to nurse sectional differences, and to rekindle dying hatreds and jealousies. It would assuredly lead to an increase of religious riots and disturbances in the future, and would thus weaken, and not strengthen, British administration.

It has been proposed in some Provincial schemes that men of different castes and religions should choose members from among their own communities for the Provincial Council. To me such a plan appears unjust, impolitic and unwise. Christians and Musalmans often choose a Brahman advocate to fight their case in a court of justice: and Brahmans as often choose a Musalman or an Englishman to plead for them. To compel members of a caste or religion to choose a member of their own community for the Legislative Council would be to restrict their choice and would thus render the Council itself a less efficient instrument for representing the wishes of the people, and watching over their interests.

For these reasons I have carefully avoided the use of any word indicating special castes and creeds in the five rules set forth above. But in Rule 2 I have provided ample safeguards for the rights of minorities; and I have even suggested that the members of the communities forming the minority might be consulted before adequate representation is secured for them. In this way I have virtually conceded all that is asked for—without, however, making any invidious distinctions in the body of the Rules between class and class, and creed and creed. Such distinctions, if recognized by law, are likely to be disastrous in India.

I have provided that each District in advanced tracts of country should return a Member, and my reasons would appeal to every experienced Indian administrator. The division of Provinces into Districts or Zillas is old in India; each District has its peculiar features, its traditions and its history; and the special conditions of a District are often different from those of a neigh-

bouring District. No system of representation would, in any way, answer its purpose unless each District has its own spokesman; and it is not too much to ask that a population of a million or two millions may have the privilege of sending up one Member. From enquiries I have recently made I am greatly impressed with the necessity of each District being represented; it is a scheme which will gratify the people.

The *Note* to rule 4 reserves to Provincial Governments the right of modifying budgets passed by the Council, should necessity arise. The reasons for this provision in a country like India—where unforeseen calamities like plague, famine, earthquakes or inundations might occur at any time—are obvious.

In Rule 5 I have tried to provide for a need which the Provincial Governments themselves have often felt,—the need for exposing misrepresentation explaining true facts, allaying unfounded alarms, and enlisting the co-operation of the people in measures which are ultimately for the good of the people The same rule also enable the people themselves to bring forward their grievances in a constitutional way before the Government in times of excitement. I anticipate the proper working of this Rule will clear away many misapprehensions, remove many difficulties, and bring the Government in closer touch with the people.

DECENTRALIZATION COMMISSION CAMP,

R. C. DUTT.

March 10th, 1908.

XXIX.

No. 144.

MEMORANDUM BY THE HONOURABLE MR. G. K. GOKHALE, C.I.E.

The Indian Councils Act of 1892 has been amply justified by the high average level of work done by elected Additional Members in the Supreme and Provincial Councils during the last twelve years, and I think the time has come when another step forward should be taken in reforming these Councils, so as to increase their usefulness. The instalment of reform, which has now clearly become over due, is (1) a further expansion of these Councils, with a larger proportion of elected members, and (2) empowering the members to divide the Councils on the Budget proposals of the Government which should be carried out only after they have been passed by the Councils.

2. As regards expansion. Taking first the Supreme Legislative Council, I would, in the first place, propose that the number of Additional Members should be a fixed one, and not fluctuating, as at present. And I would fix the total number of members of this Council for the present at, say, 30, including the Viceroy, the Lieutenant-Governor, the Commander-in-Chief, and the Ordinary Members of the Government. This would mean that the number of Additional Members should be 21, and of this, I would throw 14 seats open to election as follows:—2 to Madras, Bombay, Bengal, and United Provinces, each; 1 to Punjab, Eastern Bengal and Assam, Central Provinces, and Burma, each; 1 to the different Chambers of Commerce; and one to the different Industries. The remaining 7 seats should be at the free disposal of the Government. The representative of the Chambers of Commerce will always be a European, and the representative of industries will generally be so. And these men will, as a rule, vote with the Government. On the other hand, there are reasons to believe that the elected member for Burma will not always vote with other elected provincial members. Assuming, however, that all the elected provincial members vote together on any question, they will be 12 or at the most 13 in a Council of 30. The Government is thus assured of a standing majority behind it, and, in addition to this, the power of vetoing any proposal passed by the Council should be vested in the Viceroy. This should make the proposed reform quite safe, even from the official standpoint; its great advantage will be that it will make the majority a respectable one, instead of the negligible quantity that it at present is and the moral result of such an improvement in the position of elected members will be considerable. This is as regards the Viceregal Legislative Council. As regards the Provincial Councils, a larger measure of expansion is necessary. I think every district in a province should now be empowered to send a member to the Legislative Council of that province. Thus, taking Bombay, which has 22 districts, I would have 22 elected members of the 22 districts and 3 men for the Bombay City, 1 elected by the Corporation, 1 by the Chamber of Commerce, and 1 by the University. This will raise the number of elected members to 25. If the total strength of the Council is raised to 55, including the Governor and the two Ordinary Members, it will mean 27 seats at the disposal of the Government; and as the representative of the Chamber of Commerce will always be a European, ordinarily even when the elected members vote together, they will be 24 in a body of 55—a minority, but a respectable minority. Here, too, the power of veto may be vested in the Governor, so that the expansion may be safe even from the official standpoint for all practical purposes. The proposal, if accepted, will raise the level of public life throughout the Presidency by making it better informed and more responsible. It will bring at least one prominent man from each district into direct contact with the highest officers of the Government, and this will enable the Government far more effectively than at present to understand the trend of thought and feeling in the different districts.

3. These expanded Councils must further be empowered to record their votes on the Budget proposals of the Government, the members being permitted to move amendments within such limits as may be thought desirable at present to impose. I think the best plan will be to submit the whole

Budget to the judgment of a Council, the number of amendments which a member may move being determined by the necessity of bringing the discussion to a close within certain specified time-limits. Thus, the Budget Debate in the Viceregal Legislative Council may, for the present, be limited to seven days, and that, in the Provincial Councils, to a fortnight. To begin with, a large measure of discretion may be let to the Presidents in regard to the number of amendments which different members may move, and the order in which they may be moved. In a short time, it wi[illegible] ossible to lay down definite rules on the subject, so as to reduce the area .. such discretion. Thus in the Viceroy's Council, a member may be allowed to make one general speech on the whole Budget, and then move at least one amendment. If he wants to move more amendments than one, he should do so, if only the President grants permission. At the close of a week in the Viceroy's Council and of a fortnight in the Provincial Councils, the discussion should be automatically brought to a close, and the Budgets, with whatever amendments may have been accepted, should be put to the vote and passed.

4. I think it is of the utmost importance that these two reforms should be effected simultaneously. A more increase in numbers and even in the proportion of elected members will be of but little use, unless it is accompanied by a larger voice to the representatives of the people in financial administration. On the other hand, if such voice is given to elected members, when their number, especially in the Supreme Legislative Council, is so insignificant, the advance, though no doubt important, will fail to meet the requirements of the situation.

5. I now come to the proposals briefly outlined to me by Mr. Baker last month. They are:—(1) Dividing the Budget into two parts, one of which is not to be open to discussion in the Council, and the second of which is to be discussed and voted upon, members being free to move what amendments they pleased in regard to it. (2) And the formation of a Budget Committee, composed, in the case of the Supreme Legislative Council, of seven members (the 4 civilian Ordinary Members of the Government, the representative of the Chamber of Commerce of Bengal, and 2 other members of the Council elected by the Additional Members from among themselves). Of these 2, as regards the first proposal, I will at once admit that there is much to be said in its favour; and though the inclusion of military expenditure in the first or consolidated part of the Budget will remove it from the sphere of legitimate and necessary criticism, still, if members will be allowed to make general observations on the Budget before they come to their amendments, and if the expenditure on the Army will not be excluded from the scope of such general observations, I am prepared to welcome the finance Members' proposal in a cordial spirit. As regards the Budget Committee, that is a more difficult matter in certain respects. There is no doubt, however, that, if adequate representation is secured to the elected members of the Council on it, it will be a most valuable and important step forward. Mr. Baker proposes that the Additional Members of the Council should elect two out of themselves to work on the Committee. I may state at once that, as the Council is constituted at present this will mean no real representation to elected members, who are only 4 out of 15 Additional Members (the Chamber of Commerce member being excluded, as he is always to have a seat on the Committee). Unless, therefore, the Council is expanded and the proportion of elected members increased, as I have suggested above, there is every probability of the more prominent representatives of the people in the Council being kept out of the Budget Committee, and in that case, I would prefer that no members were elected by the Additional Members, and the Government itself accepted the responsibility for inviting to sit on the Committee such members as it deemed best qualified for the purpose. The formation of this Budget Committee and the framing by it of the second part of the Budget will, of course, be a great improvement on existing arrangements, but the full object, which Mr. Baker no doubt has in view, will not be attained, unless the Council is expanded as I have suggested above, and the elected element placed in a position to return its 2 representatives to the Budget Committee.